

ZIMBABWE: OPPORTUNITIES FOR A NEW WAY FORWARD

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THURSDAY, MAY 7, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:11 a.m., in room 2172, Rayburn House Office Building, Hon. Donald M. Payne (chairman of the subcommittee) presiding.

Mr. PAYNE. The hearing will come to order. First of all, let me begin by welcoming all of this morning's very important guests to the Subcommittee on Africa and Global Health's hearing entitled, "Zimbabwe: Opportunities for a New Way Forward."

Zimbabwe's political, economic, and humanitarian crises make headlines nearly every day. What is often forgotten is Zimbabwe's great history. Zimbabwe's history is one which can only be explained by how it has fallen from a place of prominence to the current state but can also offer hope and promise for the future.

As a former history teacher, I am a true believer in the importance of placing things in their proper historical contexts. As we all know, the British South African Company arrived in Mashonaland, the land of the Shona people, in 1890 and gave each of its settlers 1,210 hectares of land. The settlers waged war against the Indebel people in 1893 to 1894, resulting in Africans being confined to native reserves known as "communal areas."

According to a CRS report, the Land Apportionment Act of 1930 formally set aside over half of the country's total land, including the most fertile zones, for Whites only, and the Land Tenure Act of 1969 allocated most of the remaining unreserved land to so-called "European areas" while denying Africans any possibility of acquiring land in those areas.

There has been an influx of European settlers after World War II, and by the 1960s, there were more than 200,000 Whites in Zimbabwe while Africans numbered about 7 million.

The territory became a self-governing colony, known as "Southern Rhodesia," in 1923.

In the 1960s African resistance to the White regime began just as it had been taking place elsewhere on the continent. Ghana had become independent and Sudan had in the late fifties. Kenya was moving toward that, and so this whole new spirit of independent was going through the continent.

In 1972, the Freedom Movement, Zimbabwe African National Union (ZANU), led by Reverend Satoli and, later, by Robert

Mugabe, and the Zimbabwe African Peoples Union (ZAPU), led by Joshua Nkomo, were launched.

Bishop Musaware became Prime Minister of Rhodesia in 1979, after elections were held in Rhodesia, and it was renamed "Zimbabwe." Of course, those elections were less than fair. They were segregated elections, and of the 100 persons elected to the Parliament, 28 seats were reserved for the 200,000 Whites. The 7 million Blacks had the other 72 seats, so there was certainly not one-person-one-vote; that is for sure.

Later that year, the agreement was reached at Lancaster House in London. Robert Mugabe became Prime Minister a year later.

Known then as the "bread basket of Africa," Zimbabwe became a model in the region in the areas of election, infrastructure, and health. Post-independence, Zimbabwe clearly demonstrated much of the best of Africa and what Africans are capable of doing, despite decades of repressive White rule.

White Zimbabweans were embraced, not chased out of the country or mistreated, as cynics predicted. Human rights were largely respected, and the rule of law prevailed in the country.

Over the last decade, however, conditions went from bad to worse, in large part due to poor leadership. The once politically stable country became increasingly chaotic, and the economics left a shambles.

Human rights abuses were extensive and increasing, and the government, under Robert Mugabe, seemed to care nothing for the rule of law. The people of Zimbabwe became the primary victims of the Mugabe regime.

I have tried desperately to engage the government in a constructive dialogue to address these concerns over the years. I am resolved to help the people of Zimbabwe realize their dreams of true freedom.

The method of redistribution of land from White landowners to political allies of President Mugabe was misguided and was done wrongly, therefore, preventing the process of Lancaster House from really playing out.

However, the land issue is a real problem in the region, and I am committed to seeing a just and equitable distribution of land throughout southern Africa consistent with the rule of law.

In 2001, I pushed the Zimbabwe Democracy and Economic Recovery Act through the House, and it was signed into law at the end of that year. The bill's principal objective, at that time, was to help restore the rule of law, respect for human rights, free and fair elections, and sound economic reform. The legislation provided new funding for Zimbabwe if serious reforms were undertaken by the government. The legislation did not punish the people of Zimbabwe but did include targeted travel bans against top government officials who fought the rule of law.

The United States remains one of the largest donors in humanitarian aid to Zimbabwe, but our assistance is very limited and may not include assistance in agriculture and other areas that would really help Zimbabwe improve the lives of so many Zimbabweans.

Many of the highly educated and hard-working people have fled the violence and the dire conditions and have gone to other coun-

tries, many to South Africa, as a matter of fact, so many that there was a xenophobia backlash about a year ago in South Africa.

Civil society groups and political activists were targets of brutal violence. The economy had all but collapsed. The hopes and dreams of many Zimbabweans had been crushed.

What is crucial, at this juncture, is that we look forward. Today, we have something most of us thought was impossible: A government of national unity that includes ZANU–PF and the Movement for Democratic Change (MDC), long-time rivals Robert Mugabe and Morgan Tsvangirai. We would be naive if we concluded that, therefore, everything is right, and all is fair, and everything is just, but I think we have to acknowledge that there is a government of national unity and that it does include ZANU–PF and MDC.

I am concerned that many challenges remain, and there are those who want to see this government fail. However, we should remember that this kind of arrangement has worked successfully elsewhere in Africa. South Africa is a classic example.

What is important to remember is that if these two folds can come together, and if we provide the right type of assistance to help build democratic institutions and help restore the economy so that public services can be restored, people can buy or grow the food they need, and real education can again return, Zimbabwe may once again become the great model and source of African pride it once was.

We must help strengthen the institution of democracy. While we should maintain our target of sanctions against individuals, we must seriously consider removing some of the sanctions imposed on Zimbabwe and provide assistance to ensure success.

I urge us to consider how we can make that happen. That is what this hearing is about, to explore the opportunities for a new way forward, and that is what we continue to try to focus on, a way forward, and how we can guide our policy in Zimbabwe so it makes it a very difficult challenge to try to separate or segregate or move forward when we still have remnants of ZANU, which still has a very strong fist that is pounded daily.

Unfortunately, there is no government panel this morning. The Senate has yet to confirm Ambassador Johnny Carson as Assistant Secretary of State, and the State Department felt that USAID should not testify today. So we are anxiously awaiting the State Department to finally get a Department so that we can move forward on some of these very, very difficult issues.

Instead, we have a distinguished panel of private witnesses, and, therefore, we are not short for talent.

Carl Gershman is president of the National Endowment for Democracy; Joy Mabenge is the democracy and governance officer for the Institute for a Democratic Alternative for Zimbabwe; Nicole Lee is the executive director of TransAfrica Forum; and the Honorable Lorne Craner is president of the International Republican Institute.

We welcome each of you. We look forward to your testimony, and I will introduce you very thoroughly after we hear opening remarks from my colleague from New Jersey, our ranking member, Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman, for calling this hearing, and good morning, everybody. It is good to see so many good friends on the panel and for many years in the fight for human rights and democratization around the world, including in Zimbabwe.

We are all familiar with the sad reports from Zimbabwe, the world's fastest-shrinking economy, where prices are known to double every 24 hours. This week, the IMF released new figures measuring inflation at 500 billion percent and economic growth at a negative 14 percent last year.

Such numbers cannot convey the tragedy, however, lived by millions of Zimbabweans. Until relatively recently, Zimbabweans lived in one of the most prosperous African countries, but, right now, millions of Zimbabweans know only hopelessness, poverty, mass unemployment, and the breakdown of healthcare and education.

The mass immigration of some 3–4 million Zimbabweans underscores the dire situation and suffering caused by economic failure. This is not the result of accidental misrule or weak government in chaotic conditions but of Robert Mugabe's determination to ruthlessly pursue total control over his country.

This has been about political control. Mugabe is a declared admirer of the North Korean Juche system, and his violent harassment of the opposition, courageous human rights activists and journalists, includes torture.

Mugabe has also pursued economic control. According to the Heritage Foundation's Index of Economic Freedom, in 2009, Zimbabwe ranked 178th, right behind Cuba and right in front of last-place North Korea.

While Mugabe and his ZANU–PF Party have not been able to achieve the same control over Zimbabwe as the Kim family has over North Korea, Zimbabwean civil society and human rights activists have heroically organized themselves in opposition to Mugabe. They have understood for years that the only way forward for Zimbabwe will be to free itself from Mugabe and the criminal elements of ZANU, and after too many years of tolerating, and even lauding, Mugabe's rule, the international community seems to have come to the same conclusion.

Since Mugabe and his hard-line security chiefs have not given any signs that they will not go peacefully, a gradual solution seemed best. We all hope that the power-sharing agreements with Morgan Tsvangirai and the Movement for Democratic Change (MDC) creates a new situation in which ZANU would have to loosen its choking grip on the country.

But after several months of promising reports of the work of the MDC ministers, only yesterday, we read reports that some 18 opposition leaders and activists will be rearrested. I am informed that the decision to rearrest has been reversed, but ZANU's continuing abuses cast a shadow over the Unity Government.

I look forward, again, to our hearing and especially to the insights provided by our distinguished panel of witnesses and yield back the balance of my time.

Mr. PAYNE. Thank you very much, Mr. Smith.

Today, we are pleased to be joined by our distinguished panel—Mr. Gershman, Mr. Mabenge, Ms. Lee, and Mr. Craner—to discuss

the current situation in Zimbabwe and opportunities to support democracy there.

First, we have Mr. Carl Gershman. Mr. Gershman is the president of the National Endowment for Democracy, a private, congressionally supported, grant-making institution with the mission to strengthen democratic institutions around the world through non-governmental efforts.

In addition to presiding over the Endowment Grants program in Africa, Asia, the Middle East, Eastern Europe, the former Soviet Union, and Latin America, he oversees the creation of the Quarterly Journal of Democracy, the International Forum for Democracy Studies, and the Reagan-Fascell Democracy Fellows program.

In 1999, Mr. Gershman took the lead in launching the World Movement for Democracy in New Delhi, which is a global network of democracy practitioners and scholars. Mr. Gershman is currently encouraging other democracies to establish their own foundations devoted to the promotion of democratic institutions in the world, and they have been extremely successful in moving democracy forward, even in a number of the former Warsaw Pact countries behind the Iron Curtain, and, of course, in new democracies in Latin America, Africa, and in Asia.

Next, we have Mr. Joy Mabenge. Mr. Mabenge political economist currently working for the Institute for a Democratic Alternative for Zimbabwe (IDAZIM) as democracy and governance program manager. IDAZIM is a think tank currently working on five critical areas dealing with the transition in Zimbabwe, including democracy and governance, the economy in transition, transitional justice, international relations, and is setting up a multi-university, virtual Leadership Academy.

Prior to joining IDAZIM, Mr. Mabenge was the executive director of Zimbabwe's Coalition on Debt and Development (ZIMCODD), a social- and economic-justice movement, where he worked for 8 years.

Mr. Mabenge is a committed human-rights and social-justice activist, having served in the National Constitutional Assemblies in Zimbabwe, a movement pushing for people-driven, constitutional-making reforms in Zimbabwe since 1997, both as regional chairperson for the Harare Province from 2001 to 2006 and then national advocacy chairperson from 2006 to 2008.

Mr. Mabenge sits on various governance structures of civil society organizations in Zimbabwe, including the Crisis in Zimbabwe Coalition, Students Solidarity Trust, and the Mens' Forum on Gender. He holds a master's degree in development studies—political economy from the University of Manchester's Institute for Development Policy and Management, a University of Zimbabwe's post-graduate diploma in project planning and management, preceded by undergraduate studies in political science and administration. He is a British Chevening Scholarship alumnus.

Next, we have Ms. Nicole Lee, the executive director of TransAfrica. She was appointed to this position in December 2006 by the board of directors, led by Chairman Danny Glover. As executive director of TransAfrica Forum, Ms. Lee often travels abroad, not only to the African continent but also the countries with large Afro-descendant populations, such as Brazil, Venezuela, Haiti, and Colom-

bia. She spends her time interacting with people on the ground and then conveys their concerns about human and political rights issues to U.S. politicians, policy-makers, and other agencies whose work impacts on the global African population.

Ms. Lee earned a law degree from the University of Buffalo and served as an International Law Fellow. She interned in South Africa, working on environmental class-action suits.

After graduating from law school, she moved to Haiti, where she worked for a human rights organization that investigated and prosecuted the human rights violations of the military during the 1994 coup in Haiti.

Returning to the United States in 2004, Ms. Lee also worked as a lobbyist in Washington, DC, eventually serving as director of operations at TransAfrica Forum. Ms. Lee is the first female executive director of TransAfrica Forum, an organization which promotes justice, progress for the international African community, and, I guess, now gender rights, too. Ms. Lee's passion for human rights and activism has propelled her to the top of this great organization, which is, as we all know, a leading advocate for human rights and democracy building around the world.

Ms. Lee's opinion-editorials have been published in *The Nation*, Tom Paine, *theroot.com*, *Final Call*, and she is a weekly contributor to the National Newspaper Publishers Association. Ms. Lee is a frequent guest on BBC, NPR, Pacifica Radio Network, "Democracy Now," and the "Tavis Smiley Show."

Finally, we have the Honorable Lorne Craner, current president of IRI. Since Mr. Craner returned to the IRI, International Republican Institute, as president in 2004, he has led the strengthening of IRI's programs in countries, such as Afghanistan, Colombia, China, Pakistan, Indonesia, and Iraq. Under Mr. Craner's leadership, IRI has broadened its work in governance, women's participation, access for the disabled, and the use of technology in democracy promotion and program evaluation.

IRI has also built an unprecedented level of cooperation with U.S. and foreign democracy-building organizations, and the IRI held its two most successful fundraisers since Mr. Craner's return.

Previously, Mr. Craner was assistant secretary for democracy, human rights, and labor for Secretary of State Colin Powell. Among other accomplishments, he initiated the first U.S. Government program to advance democracy in China, helped construct the Millennium Challenge Corporation's Good Governance Criteria, sharpened the administration's focus on human rights in Central Asia, and contributed to the conception and implementation of the administration's approach to democratization in the Middle East.

Upon his departure, Mr. Craner received the Distinguished Service Award, the State Department's highest honor, from Secretary Colin Powell.

In 1995 to 2001, Mr. Craner, as IRI's president, led the institution to new levels of programmatic achievement, fund-raising, financial accountability, and news coverage. He joined IRI as vice president of programs in 1993.

From 1992 to 1993, he served at the National Security Council as the director of Asian affairs under Brent Scowcroft, and, from

1989 to 1992, he was deputy assistant secretary of state for legislative affairs during James Baker's tenure.

Mr. Craner was Senator John McCain's legislative assistant on foreign policy from 1986 to 1989. He began his career as the then-Congressman Jim Kolbe's foreign policy LA, and Mr. Kolbe ended up as the chairman of the Appropriations Committee for Foreign Ops.

In June 2007, Mr. Craner was again confirmed by the U.S. Senate to a seat on the Millennium Challenge Corporation's Board of Directors. Mr. Craner is also on the boards of the National Committee on U.S.-China Relations, the InterNews Network, and the policy board of the University of Michigan at Ann Arbor's Weiser Center for Emerging Democracies.

A member of the Council on Foreign Relations, he has testified, on numerous occasions, before the House and Senate committees.

Mr. Craner received a master's degree from Georgetown and his undergraduate degree from Reid College.

We certainly have people who are well qualified, and we will begin now with Mr. Carl Gershman.

STATEMENT OF MR. CARL GERSHMAN, PRESIDENT, NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. GERSHMAN. Thank you, Mr. Chairman, Mr. Smith, and Mr. Royce, all good friends of the NED. I want to thank you for inviting me to testify on what can be done to advance democracy in Zimbabwe, and also I want to thank the committee, on the occasion of the NED's 25th anniversary, for its bipartisan support over these many, many years. I would like also, Mr. Chairman, to thank you, personally, for your 9 years of service on the NED Board and also for all that you do for democracy and for Africa.

My testimony this morning is going to be based not just on our own analysis of what is happening but also I would like to reflect the views of our many grantees in Zimbabwe, well over a dozen grantees, groups like the National Constitutional Assembly and the Zimbabwe Elections Support Network, and many others, and what they have to say about the situation.

Though President Mugabe has said that nothing has changed in Zimbabwe with the Global Political Agreement, there are clear signs that the country is beginning to recover economically and that the public mood has shifted.

We support a group called the Mass Public Opinion Institute, which just released a poll saying that some 70 percent of the respondents described the country's economic condition as better than the previous year, and 82 percent felt that the economic condition would be better a year from now. So there are expectations. There is hope.

At the same time, we know that the ZANU-PF has retained its hold on the levers of power: The ministries of police, army, judiciary; broadcast media, daily newspapers, and so forth.

Last week, Tendai Biti—I know you met with him as well, Mr. Chairman—spoke at the National Endowment for Democracy and he talked about the corrupt hardliners within the ZANU-PF who are trying to sabotage the reforms that were committed to in the National Political Agreement. He referred to them as “catfish,” pre-

ferring to lie in the mud of corrupt patronage rather than try to move toward reform.

So we know that there are these problems and that these issues are reflected in the press every day.

Just yesterday, Nelson Chamisa, the spokesman for the MDC, threatened to withdraw from the government if Judge Cheminda did not reverse her decision to withdraw the bail and reimprison the 18 democracy activists, including Justina Mukoko, and to allow them to be free on bail. She did reverse her decision.

At the same time, the MDC has issued an ultimatum that if, by Monday, they cannot reach an agreement over Mugabe's claim that he has the unilateral authority to appoint provincial governors, permanent secretaries, and to remove the Federal bank governor, Gideon Gono, that they are going to convene the highest-decision-making body a week later to consider whether or not they will stay in the government.

So this is a struggle that is going on as we speak, and it could go either way, but I think there really is no alternative to try to move forward and to try to make this agreement work, looking toward the constitutional reform process and then the elections in 2011.

Mr. Smith mentioned North Korea, and Mr. Royce and I have worked a lot together on North Korea. Not only is Zimbabwe different from North Korea, but it would be inconceivable to imagine this kind of a power-sharing agreement in a country like Burma, for example, or Cuba, or even a country like Egypt.

So there is an opportunity here, however difficult it is, and I think we simply have to move forward.

In the testimony that I submitted this morning, Mr. Chairman, we presented you with six recommendations, some of which pertain to exactly your point in your opening statement.

The first has to do with human rights, and the government, in our view and in the view of the grantees that we support, obviously needs to release the remaining political prisoners and review all of the pending cases and establish a commission to review judicial appointments as the first step toward establishing a genuine rule of law.

It is very important to develop an inclusive and transparent process of constitutional reform, including the establishment of an independent and impartial election commission, as recommended last week in a report by the Zimbabwe Elections Support Network and the Electoral Institute of Southern Africa.

This process should be a people-driven process, not just done by the elites in the country. The National Constitutional Assembly has called for an all-stakeholders' conference to determine the appropriate structures and procedures for the constitutional process, and it will include representatives from government, political parties, trade unions, business, churches, traditional religious groups, women's groups, youths, farmers, veterans, traditional leaders, media, the diaspora, and the broader civil society.

This Stakeholders' Commission should undertake extensive consultation with the people, compile and disseminate a draft constitution that could be presented in the National Referendum.

Civil society needs to be supported. The ban on pro-democracy, nongovernmental organizations should be lifted. Civil society plays a critical role in serving as a channel of communications between the government and the people and also as a countervailing power to the authoritarian forces within the state. There is, obviously, great concern with the precedent, in 1987, of the Unity Accord, where the ZANU was able to absorb Joshua Nkomo's ZAPU, and people are very worried about that, and civil society plays a critical role in preventing that.

It is very important to foster independent media, to lift the restrictive media laws, including the Access to Information and Protection of Privacy Act, to begin to develop the capacity for independent newspapers and broadcasters and to improve access to state-controlled media, easing the availability of operating licenses and providing assistance to enhance independent media in the country.

The fifth issue is a very critical one in all transitional countries, which is the whole question of establishing a process of transitional justice, how to deal with crimes of the previous regime. There are people, obviously, strong voices in the civil society, that are arguing for retributive justice, truth seeking, and, as the head of the ZED CTU said, "Leading a fight against the culture of impunity."

At the same time, recent post-conflict transitions confirm the difficulty and the delicacy of securing an appropriate and equitable balance between justice and reconciliation, and there is a dilemma, of course, that, with elections expected to follow the constitutional reform, in 2011, the prospect of prosecution gives an incentive to culpable members of the ruling elite to sabotage the process.

A CRS report recently noted that Mugabe and other senior officials may resist a peaceful exit from power if they fear subsequent prosecution.

I think that Zimbabweans should look at the experiences of other countries that have dealt with this process. Maybe a panel of experts could be established to examine similar transitional-justice processes in post-conflict societies to determine the most appropriate measures and mechanisms to adopt in Zimbabwe.

And, finally, Mr. Chairman, in relation to your main point, the issue of economic assistance to Zimbabwe at this critical period, in the absence of genuine reform, the international community has, understandably, been reluctant to release funds for the Government of National Unity, yet the legitimacy and credibility of democratic reformers within the government will largely depend on its ability to restore not only the economy but also basic services and living standards.

Consequently, there is a compelling case to be made, in our view, for a more creative approach to funding that targets specific needs, bypasses corrupt or partisan institutions like Zimbabwe's Reserve Bank, keeps targeted sanctions like travel bans and asset freezes, and assists both the Zimbabwean people and reform-minded elements within the government with the process of economic recovery and reconstruction.

This humanitarian-plus approach, whereby purely humanitarian aid is complemented by support for reconstruction in areas of education and health, infrastructure, water sanitation, food security,

and governance will provide a major boost to reformers within the government.

The chances for realizing the commitments of the Global Political Agreement, developing genuine power sharing and initiating meaningful constitutional reform leading to free elections, will, of course, be dependent on political will, and, in the end, it is the people of Zimbabwe who must grapple with solutions to the many problems they face. But it is also imperative that the United States and the entire international community be engaged, as fully as possible, in supporting the forces of democratic reform, economic recovery, and sustainable political stability.

There is now an opportunity for Zimbabwe to move forward after a terrible period of trauma, and I think this opportunity should be seized. Thank you.

[The prepared statement of Mr. Gershman follows:]

Prospects for Advancing Democracy in Zimbabwe

Statement of Carl Gershman, President
National Endowment for Democracy
Before the
Subcommittee on Africa and Global Health
Committee on Foreign Affairs
May 7, 2009

Congressman Payne, Congressman Smith, and Members of the Subcommittee:

Thank you for inviting me to testify on the opportunities for the advancement of democracy in Zimbabwe. As we approach the 25th anniversary of the National Endowment for Democracy, I would also like to thank the Committee for its bi-partisan support for the Endowment over the years. I would also like to thank you personally, Congressman Payne, for your nine years of service on the NED Board and for all that you do for democracy, especially in Africa.

As you are aware, the Endowment is a nonprofit, bipartisan grant-making organization created in 1983 to strengthen democratic institutions around the world through non-governmental efforts. With its annual Congressional appropriation, the Endowment makes over a thousand grants each year to assist pro-democracy groups in Africa, Asia, Central and Eastern Europe, the former Soviet Union, the Middle East, and Latin America.

Programs in the fields of labor, free-markets and political party development are conducted by the NED's four core institutes: The American Center for International Labor Solidarity (ACILS), the Center for International Private Enterprise (CIPE), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI). In addition, the NED's discretionary grants program assists pro-democracy groups working in areas such as: human rights, independent media and free flow of information, civic education, and political participation, particularly focused on women and youth.

Through its grants program, the Endowment has long been active throughout the African continent. In Zimbabwe specifically, the Endowment currently provides assistance to 13 civil society organizations. With support to both well-established NGOs and nascent youth groups, funding has concentrated on expanding civil society's access to rural communities. In preparation for the March 2008 elections, Endowment partners organized a series of civic education campaigns to combat voter apathy. These campaigns marked the first time civil society groups were able to access rural communities and provide an alternative voice to government propaganda and disinformation campaigns.

Well-established Endowment partners such as the Zimbabwe Election Support Network (ZESN), the Media Institute of Southern Africa (MISA), Zimbabwe Congress of Trade Unions (ZCTU), Zimbabwe Community Development Trust, and Zimbabwe Lawyers for Human Rights organized large national campaigns focusing on electoral reform, unbiased media coverage, organizing victims of Operation Murambatsvina and farm invasions, and providing legal support to human rights defenders. Other partners such as Youth Forum, Youth Agenda, the Student Christian Movement, Savanna Trust, and the Zimbabwe Human Rights Association (ZimRights) organized civic education campaigns in politically sensitive areas targeting marginalized communities, especially youth. These efforts were pivotal in the struggle for meaningful change, helping to energize an electorate that had resigned itself to ZANU-PF rule.

I will explicitly address the questions raised by the committee by drawing not only on our own in-house analysis and reading of the situation, but also on the insights and observations of NED grantees who have been in the forefront of the recent struggle and remain actively engaged at the grass roots level.

How does the NED assess the Government of National Unity in Zimbabwe?

Although President Mugabe recently boasted that "nothing has changed" and while it is difficult to make the case that Zimbabwe has a genuine Government of National Unity, there are nevertheless clear signs of progress both economically and in terms of the public mood.

The replacement of the Zimbabwean currency by the U.S. Dollar and South African Rand has stabilized prices; goods are returning to the shelves and there has been a marked shift

in the political climate. Public sector workers are being paid in US dollars, although the trade unions are threatening widespread strike action if such payments are not sustained.

Recent polling conducted by the Mass Public Opinion Institute, a NED grantee, shows a surprising degree of public confidence and optimism. Some 70% of respondents described the country's economic condition as better than in the previous year; 61% said their personal economic circumstances had improved compared to a year ago; and 82% expected both their own and the country's economic condition to be better or much better in a year's time.

There is clearly a degree of optimism and considerable expectation that the new government will deliver on its promises.

Continuing Challenges

While there are continuing reports of political violence and continuing harassment and detention of civil society activists, journalists and members of the MDC, there has been a marked decrease in human rights violations and relative peace and stability have been restored.

Still, judged strictly in terms of whether there has been a substantial transfer of power, the available evidence suggests that ZANU-PF has retained most of the key levers. Mugabe's ZANU-PF still controls the police, army, judiciary, broadcast media and all daily newspapers. Where MDC ministers have acquired key portfolios, their decisions are consistently flouted, countermanded or ignored.

Speaking at the National Endowment for Democracy just last week, finance minister Tendai Biti stated that corrupt hardliners within Zimbabwe's former ruling party are sabotaging efforts to realize the reform commitments of the September 2008 global political agreement. He blamed the "catfish" - creatures that prefer to lie in the mud of corrupt patronage - for sponsoring "toxic activities" designed to prevent genuine power-sharing.

The MDC has told the international financial institutions and Western donors in the US and European Union that financial assistance is imperative for it to take advantage of the current window of opportunity to foster reform. But few observers have been able to identify

tangible progress on political reform, and the United States and the European Union remain reluctant to release funds without evidence of a genuine shift towards rule of law and transparency – and not without reason.

The September power-sharing pact provides several specific benchmarks for gauging political reform, but in his comments to the NED Biti was unable to point to visible progress other than to stress that violence has diminished. The Joint Monitoring and Implementation Committee (JOMIC), the body charged with monitoring the September pact, lacks a budget for its activity and has shown little energy or inclination to pursue its mandate.

In discussions over the past week, President Mugabe, Prime Minister Morgan Tsvangirai and Deputy Prime Minister Arthur Mutambara, failed to break an impasse that threatens to fracture the three-month old government. The MDC is challenging Mugabe's authority to appoint provincial governors, permanent secretaries and ambassadors, charging that several such unilateral decisions and appointments violated the GPA, including the rehiring of Reserve Bank Governor Gideon Gono and the appointment of Johannes Tomana as Attorney General. Mugabe has also tried to arbitrarily wrest control of telecommunications (and therefore phone-tapping) from the portfolio of MDC minister Nelson Chamisa.

Continued harassment and detention of opposition activists, especially in rural areas, the ongoing land seizures and the arrest of MDC deputy agriculture minister Roy Bennett all suggest that ZANU-PF hardliners not only remain in control of key state security agencies, but also appear determined to undermine the GPA and sabotage meaningful reform.

This week a court authorized the re-arrest of 18 democracy activists previously released as part of the Global Political Agreement, as ZANU-PF supporters within the judiciary and security services pressed ahead with the prosecution of activists charged with conspiracy to violently overthrow the Mugabe regime. The activists had their bail revoked on Tuesday despite evidence that they had been illegally abducted and tortured.

The accused include MDC officials Chris Dlamini and Ghandi Mudzingwa, civic activist Jestina Mukoko, and Shadreck Manyere, a journalist. Mudzingwa, Manyere and Dlamini are currently detained while receiving medical treatment for injuries sustained during torture while incarcerated. The magistrate denied bail despite defense lawyers' arguments that the

Joint Monitoring and Implementation Committee could confirm that there was a joint agreement to grant them bail.

The activists have since been granted bail but charges have not been dropped. So long as political prisoners remain incarcerated and security service chiefs openly disdain the Prime Minister, the government of national unity remains one in name only, Tyanai Masiya, chairman of the Mutare-based Centre for Research and Development, told the NED recently.

The armed services chiefs boycotted Morgan Tsvangirai's swearing-in ceremony and have consistently refused to salute or otherwise recognize the Prime Minister. Defense Minister Emmerson Mnangagwa, reportedly the leader of the hard-line faction within ZANU-PF, has similarly refused to respond to demands from Parliament that he explain his stance.

The security and armed services chiefs - Defence Forces Commander General Constantine Chiwenga, Army Commander Lieutenant General Phillip Sibanda, Prisons Commissioner Paradzai Zimondi, Police Commissioner General Augustine Chihuri, and Air Marshall Perence Shiri - are widely perceived to be set on sabotaging the power-sharing agreement and are considered most vulnerable to extradition and prosecution for egregious human rights abuses.

Opportunities for Moving Forward

Mr. Chairman, neither analysts nor activists have had any illusions about the prospects for genuine power-sharing. "The fact that Mugabe remains in power as head of state and head of government means the MDC is the one coming into this deal as a junior partner," said Lovemore Madhuku, head of National Constitutional Assembly, a NED grantee, when the pact was negotiated.

Article 6 of the agreement establishes a 19-month process for the drafting and adoption of a new constitution subject to endorsement by referendum. And there are encouraging signs that democratic forces within civil society are taking advantage of the greater political space to articulate their agenda for serious and sustainable reform.

But we share the concerns of civil society groups that the constitution should not be based on the Kariba Draft that was negotiated in September 2007 by representatives of the ruling

ZANU-PF and the two factions of the Movement for Democratic Change meeting in secret at Lake Kariba. At issue is not just the substance of the draft, particularly the absence of adequate checks and balances, but the secretive process by which it was drafted.

In February 2009, President Robert Mugabe fed suspicions that this would be the case when he seemed to hint that GPA provisions for civil society engagement in constitutional reform process would be largely cosmetic. "There is already a draft that the three parties agreed on," he said. "They call it the Kariba Draft because that is where they came up with the document. We shall all look at it and when we are all satisfied, it shall be put to the people in a referendum."

The Kariba draft is deeply problematic since, as the National Constitutional Assembly notes, it is undemocratic "in terms of both process and content." Under the draft, all executive authority rests with the Presidency and parliament's prerogatives are severely limited. As the NCA notes:

"If the Draft were enacted, it would establish a government that would be dominated by the Executive. Parliament, the Judiciary and numerous public offices and bodies would be subject to political manipulation and control. Many of the fundamental rights and freedoms to which Zimbabweans are entitled would not be protected."

For this reason, as indicated in the recommendations below, the Endowment supports the calls for a "people-centered" participatory and consultative constitutional reform process.

Earlier this week, Zimbabwean civic groups called for an overhaul of the electoral system to minimize conflict and ensure transparency, demanding a "paradigm shift" towards a more inclusive and participatory electoral system. Arguing that the current transitional phase presents opportunities to reform institutions and democratize the electoral framework, the joint report from the Zimbabwe Election Support Network (ZESN) – a former NED grantee – and the Electoral Institute of Southern African (EISA) also proposed an independent impartial body to ensure the "professionalization" of the security forces.

The report calls for an end to the abuse of state resources for party political purposes, a comprehensive overhaul and independent audit of the electoral roll and reform of political parties' financing. "There is need for a comprehensive audit, not only of electoral laws but

also of other laws which impact on the electoral process and its outcome and the requirements for a free and fair election," said Irene Petras of the Zimbabwe Lawyers for Human Rights, another NED grantee, in endorsing the report.

Civil society groups are already monitoring the GPA process and reporting to the JOMIC. Given the limitations of the pact, civil society has a vital role in monitoring the government and holding it accountable; in being a catalyst and driver for change, not least in pushing for constitutional reform; and in assisting the legitimate and genuinely reformist sections of government by providing its expertise and by acting as a communications channel between the government and the people.

The importance of constitutional reform cannot be overstated. We might consider the parallel between the GPA and the Dayton Accords that ended the war in former Yugoslavia. It is imperative that the US and its allies ensure that the GPA does not become a similar power-sharing settlement negotiated to bring an end to one conflict but which contains the seeds of stagnation or future violence if genuine progress is not made in establishing robust democratic institutions.

Time for a Reassessment?

Clearly, the advent of a new administration in Washington provides an opportunity to assess and review policy, and the specific situation and acute challenges in Zimbabwe cannot be divorced from the wider challenges across the sub-continent.

For the NED's part, some 25 years of actively supporting democratic actors across sub-Saharan Africa leads us to strongly dispute the "Afro-pessimist" view that the continent has been politically stagnant or regressed over that period. There remains a strong case for continuing to invest in "institutions of countervailing power", including electoral systems, national legislatures, the judiciary, local government, civil society, and the press.

Indeed, one of the most important democratic developments anywhere in the world since the NED was founded 25 years ago has been the emergence in Africa of a mass movement of civil society, with human rights defenders at the forefront. According to Professor Larry Diamond, this development has been the principal factor accounting for Africa's "second liberation" -- the growth since 1990 of the number of democracies in sub-Saharan Africa

from three (Botswana, Mauritius, and the Gambia) with a total population of just three million to more than twenty African democracies in 2008. The pressure for this transformation came from the bottom up, generated by an enormously diverse array of civil society actors: from women's and civic-education groups to think tanks and bar associations, from trade unions to student and other youth groups, from religious bodies to independent journalists and community radio broadcasters, and of course human rights organizations.

Similarly, Zimbabwe's civil society organizations continue to mobilize to consolidate access to rural communities and encourage citizens to engage with the government. Among NED grantees, for example, the Zimbabwe Community Development Trust works with victims of violence and torture to develop a platform to present their concerns to leading political and civil society actors. The Savanna Trust continues to train theatre groups to promote civic education among the large and potentially illiterate audiences of Zimbabwe's high-density suburbs and rural areas. Youth Agenda and the Student Christian Movement of Zimbabwe conduct ambitious, nationwide programs of workshops, rallies, and focus group discussions with youth and students. Zimbabwe Lawyers for Human Rights and the Zimbabwe Human Rights Association have launched new human rights awareness campaigns in rural communities. Such efforts ensure that the electorate remains energized and continues to press for a government that reflects the will of the people.

What recommendations do we have for U.S. policy options going forward?

Our recommendations fall into the following six categories: supporting human rights and the rule of law, including the release of political prisoners; developing an inclusive and transparent process of constitutional reform; supporting civil society; fostering independent media; establishing transitional justice mechanisms and a process for truth and reconciliation; and encouraging a "humanitarian plus" program of assistance, including economic aid and support for building state capacity.

1. Supporting Human rights and the rule of law: The new government should release all remaining political prisoners and order a review of pending cases. Given the demonstrable bias and partisanship of members of the judiciary appointed by Mugabe, an independent commission should be established to review judicial appointments as the first step towards re-establishing genuine rule of law.

2. Developing an inclusive and transparent process of constitutional reform: We endorse the assessment of the NCA and other leading civil society groups that the constitution-making process outlined in the Global Political Agreement is too elitist and remains vulnerable to manipulation in the absence of genuine transparency. We support civil society demands for a people-driven constitution-making process, prefaced by extensive grassroots civic education.

"This inclusive government brings a democratic agenda and that includes the constitution making process. It must be people-driven," Prime Minister Morgan Tsvangirai said recently. But some civil society groups suspect that the MDC remains lukewarm about a genuinely consultative and participatory process.

The NCA and other civic groups make a convincing case for an All Stakeholders Conference to determine the appropriate structures and procedures for the constitutional process and that will include representatives from government, political parties, trade unions, business, churches, traditional religion, women's groups, youth, farmers, veterans, traditional leaders, media, the diaspora and the broader civil society. Under this process, stakeholders would establish an All Stakeholders Commission to be chaired a judge or former judge of the Supreme Court or High Court, which will conduct extensive public consultation on vital constitutional issues; compile and disseminate a draft constitution and arrange a nationwide public referendum to determine whether or not the draft will become the new constitution.

3. Supporting civil society: It is imperative that support continue to be extended to Zimbabwe's independent voices and democratic actors. Operating procedures that target non-governmental organizations must be lifted, including an end to the ban on pro-democracy organizations. NGOs involved in humanitarian food aid, family and child protection, and the care of the elderly and disabled were recently allowed to resume activities, but NGOs working on human rights, justice and governance remain banned.

As already noted civil society groups are already monitoring the GPA process and reporting to the JOMIC. They have a vital role to play in assisting the legitimate and genuinely reformist elements within the government by acting as a channel of communication between the government and the people.

In this respect, civil society can provide something of a countervailing power to authoritarian forces within the state. In doing so it may also impede the co-optation of the MDC, a prospect to which democrats are alert given the ominous precedent of the Unity Accord of 1987 when ZANU violently repressed and then absorbed Joshua Nkomo's ZAPU.

4. Fostering independent media: The GPA states that Zimbabwe's citizens have a right to accurate, impartial and responsible information delivered through independent media. Yet the media remains largely state-controlled.

The government should immediately move to restore freedom of expression by lifting restrictive media laws, specifically the Public Order Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA).

As harsh as the conditions are in Zimbabwe, it is not North Korea or Cuba. There are already opportunities, even under existing laws, to develop capacity for independent newspapers and broadcasting, including local commercial radio stations, community-based radio and unallocated medium wave channels.

Additional measures, including improving access to state-controlled media, easing the availability of operating licenses, and providing assistance to enhance the capacity of independent media, should be developed to guarantee genuine media freedom, pluralism, and diversity as the best means to ensure that the people have access to accurate, impartial and responsible information.

5. Establishing a process of transitional justice: A process of truth and reconciliation needs to occur if Zimbabwe is to move beyond its recent trauma. Civil society groups are concerned that the GPA offers an amnesty to security services personnel responsible for violent atrocities and human rights violations. Zimbabwe's National Association of Non-governmental Organizations has called for "retributive justice" and "truth seeking", while the Zimbabwean Congress of Trade Unions (ZCTU), the largest and arguably most democratic force in civil society, is leading the fight against what it calls the "culture of impunity".

Recent post-conflict transitions confirm the difficulty and the delicacy of securing an appropriate and equitable balance between justice and reconciliation. The dilemma is, of

course, that with elections expected to follow constitutional reform within two years, the prospect of prosecution gives an incentive to culpable members of the ruling elite to sabotage the process. As a recent Congressional Research Service report notes, "Mugabe and other senior officials may resist a peaceful exit from power if they fear subsequent prosecution."

The formation of transitional justice, truth and reconciliation mechanisms must, of course, be driven by Zimbabweans themselves and reflect their preferences, needs and circumstances, including the harsh political realities. But it may be worthwhile for an independent panel of experts to examine similar transitional-justice processes in post-conflict societies to determine the most appropriate mechanisms and measures to adopt.

6. Providing "humanitarian plus" assistance: In the absence of genuine reform, the international community has understandably been reluctant to release funds for the Government of National Unity. Yet the legitimacy and credibility of democratic reformers within the government will largely depend on its ability to restore not only the economy but also basic services and living standards.

Consequently, there is a compelling case to be made for a more creative approach to funding that targets specific needs, bypasses corrupt or partisan institutions like Zimbabwe's Reserve Bank, and assists both the Zimbabwean people and reform-minded elements within the government with the process of economic recovery and reconstruction.

A "humanitarian plus" approach, whereby purely humanitarian aid is complemented by support for reconstruction in areas of education and health, infrastructure, water, sanitation, food security and governance, will provide a major boost to reformers within the government.

There is, of course, a risk that some resources may be squandered or diverted by ZANU-PF elements. But, as one diplomat told the International Crisis Group, "It is a calculated risk. The costs and the risks of doing something are definitely less important than the costs and risks of doing nothing".

Concluding comments

The chances of realizing the commitments of the GPA – developing genuine power-sharing agreement and initiating meaningful constitutional reform prior to free and fair elections – will, of course, be dependent on political will. In the end, it is the people of Zimbabwe who must grapple with solutions to the many challenges they face.

But it is also imperative that the international community be engaged as fully as possible, alongside regional parties like SADC and South Africa, in supporting the forces for democratic reform, economic recovery and sustainable political stability. There's now an opportunity for Zimbabwe to move forward after a terrible period of trauma, and it should be seized.

Mr. PAYNE. Thank you very much. Mr. Mabenge?

STATEMENT OF MR. JOY MABENGE, DEMOCRACY AND GOVERNANCE OFFICER, INSTITUTE FOR A DEMOCRATIC ALTERNATIVE FOR ZIMBABWE

Mr. MABENGE. Mr. Chairman and members of the committee, I request that the entirety of my statement, along with additional material, be submitted for the record.

Mr. PAYNE. Without objection.

Mr. MABENGE. Mr. Chairman and members of the committee and representatives of various stakeholders, it is, indeed, a great honor for me to appear before this distinguished committee to give testimony on "Zimbabwe: Opportunities for a New Way Forward."

I am strongly inspired, Mr. Chairman, by my daily experience, in which I see my country move toward relative stability.

Mr. Chairman, I am equally worried by the grave human insecurities that we still face as citizens. Since the inception of the Transitional Inclusive Government, in February 2009, I have seen real opportunities for the restoration of our dignity and human rights.

I am informed by the realities that I witness as a democracy and governance manager in my organization, IDAZIM. Mr. Chairman, almost 3 months into the life of the inclusive government, tragic realities are still with us. Coupled with a number of outstanding matters agreed to by the three political parties, as well as breaches of the Agreement by Mr. Mugabe's party, the skepticism informing the donor community remains real.

Mr. Chairman, it is not all gloomy in the country. However, the current state of affairs presents a window of opportunity for a new way. That today marks exactly 84 days since the formation of the Transitional Inclusive Government is, in itself, a miracle.

The political landscape, Mr. Chairman, is, however, shifting. Political, pro-democracy groups are enjoying unprecedented control of key democracy leverage in institutions and policy processes. We are aware, Mr. Chairman, that the former opposition, the MDC-T and MDC-M, control the Lower House of Parliament. The MDC-T has the speakership of this very important part of the legislature.

In local government, the MDC-T and MDC-M formations control 54 out of 88 local government authorities. ZANU-PF controls 34. Thus, with the control of all urban councils, the MDC is now in charge of local government in Zimbabwe.

Mr. Chairman, on the balance, events in Zimbabwe are tilting toward pro-democracy groups. These gains need to be protected, defended, and consolidated.

A key challenge to the unity government, however, is lack of fiscal resources. Last week, the Prime Minister, Hon. Morgan Richard Tsvangirai noted that he inherited empty treasury coffers. In the absence of a meaningful economic stimulus, the government is broke and cannot afford to provide critical services and payment of civil service salaries.

With manufacturing and industry at an all-time low, there is no internal capacity to address the country's resource gap. As such, Zimbabwe is in urgent need of international support of at least, U.S. dollars, \$8.5 billion.

Mr. Chairman, that 84 days later, the inclusive government continues to struggle to raise the financial resources required to get the economy back on the path of recovery, beyond humanitarian assistance, so far availed, is a deep worry. Civil servants amongst them, our very important academic and teaching staff, continue to be paid an allowance of USD \$100 across the board. Trade unions are beginning to break rank and demanding a minimum range of USD \$450.

The possibility of a nationwide strike is real. This plays directly into the hands of hardliners who are looking for opportunities to demonstrate that the unity government is a farce and to roll out the machinery of force to quell any potential disruptions to public peace and security.

Mr. Chairman, I am aware that the current common position among most donors, multilateral or bilateral, is based on the attainment of specific benchmarks to be met by the new government in Zimbabwe before aid can be extended beyond the current humanitarian assistance.

Mr. Chairman, these benchmarks are necessary but insufficient in moving Zimbabwe to full democracy via the unity government transitional route. Delays in aid have the potential of undermining people of confidence in the capacity of delivery of the government of national unity.

Mr. Chairman, my paper speaks to the level of contribution that has been done by the U.S. Government.

Mr. Chairman, I urge the new administration of the U.S. Government to stop looking for stability factors but to begin to see stability factors, as any delay may have unintended consequences and play into the hands of those of the old guard itching to have this opportunity wrecked.

Mr. Chairman, I note here that our considered opinion is for the U.S. Government to shift policy from smart sanctions toward targeted cooperation and smart assistance. I am recommending smart assistance in the form of rewarding, through targeted assistance, key drivers of democratic reforms. In this regard, Mr. Chairman, targeted sanctions, especially against those individuals and entities that continue to work against democracy and the rule of law must remain in force.

Mr. Chairman, democratization is a process and not an event, and the U.S. Government should find new ways of supporting progressive components of the inclusive government.

Mr. Chairman, let me illuminate, through an example from last year. In the face of critical elections and opportunity, the donors contributed resources to enable civil society groups and citizens to monitor and observe our elections across the country. Close to 10,000 election observers were deployed by a budget provision of a modest USD \$3.4 million. Of these observers, a significant number were teachers in rural and isolated areas, men and women devoted to investing education so that future generations are not lost.

In the violence that characterized the aftermath of the elections, many of these teachers had their schools, homes, and even identity documents destroyed. Many of those affected were young women who were gang raped in a time of HIV/AIDS. Today, they are asking the government they helped to bring to power for a living wage.

This is one strategic area where the donors can make tangible progress. By getting education going again, getting young girls back in class means they will not be victims of sexual trafficking and predatory practices so prevalent in our unequal society. I think we are in a moment of opportunity, and your leadership is required.

Mr. Chairman and members of the committee, I remain grateful and humbled by your invitation for me to testify before this distinguished subcommittee. Zimbabwe is at a crucial moment. It is the moment to save it or see it recede into the anarchy that I shudder to see repeated after the orgy of violence that we witnessed last year. I look forward to responding to questions. Thank you.

[The prepared statement of Mr. Mabenge follows:]

STATEMENT OF
MR. JOY MABENGE
DEMOCRACY AND GOVERNANCE MANAGER: INSTITUTE FOR A DEMOCRATIC ALTERNATIVE
FOR ZIMBABWE (IDAZIM)
Before the
HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH
"ZIMBABWE: OPPORTUNITIES FOR A NEW WAY"
WASHINGTON DC, THURSDAY 07 MAY 2009

Mr. Chairman and members of the committee, I request that the entirety of my statement, along with additional material, be submitted for the record.

Mr. Chairman and Members of the Committee, representatives of various stakeholders, it is indeed a great honor for me to appear before this distinguished sub-committee to give a testimony on "Zimbabwe: Opportunities for a New Way." I am strongly inspired by my daily experience in which I see my country move towards relative stability. Mr. Chairman, I am equally worried by the grave human insecurities that we still face as citizens. Since the inception of the Transitional Inclusive Government in February 2009, I have seen real opportunities for the restoration of our dignity and human rights. I am informed by the realities that I witness as a Democracy and Governance Manager in my organization, the Institute for a Democratic Alternative for Zimbabwe (IDAZIM). My institute, a policy think tank, non-governmental organization, provides key support to pro-democracy institutions and activities covering local and municipal government, Parliament and the Executive levels of government. Whilst cautiously optimistic, events of the past two days make me gravely worried. The re-arrest of Miss Jestina Mukoko and 17 other activists, civic leaders and members of the former opposition Movement for Democratic Change (MDC) accused of terrorism acts expose the injustices that are still entrenched in our justice delivery system, and signal a lack of true independence on the part of the judiciary.

Mr. Chairman, power does not give up without a fight. Residual elements of the old guard remain. These elements committed heinous crimes against humanity. They traumatized our society. They committed barbaric acts equivalent to the horror that we witness in Darfur. More than 150 lives were lost in post-election violence from April last year. An estimated 200,000 people were internally displaced. As long as these rogue elements are threatened by loss of power and possible prosecution, they remain a threat to the fragile pact in Zimbabwe. Sadly, signs of this brutality have not disappeared. Almost three months into the life of the Inclusive Government, tragic realities are still with us. Coupled with a number of outstanding matters agreed to by the three political parties as well as breaches of the agreement by Mugabe's party, the skepticism informing the donor community is real.¹

Mr. Chairman, it is not all gloom in the country. In fact, the current state of affairs presents a window of opportunity for a new way. That today marks exactly 84 days since the formation of the Transitional Inclusive Government is a miracle in itself. The political landscape has shifted. Pro-democracy groups are enjoying unprecedented control of key democracy leveraging institutions and policy processes. The former opposition, the MDC-T and MDC-M, control the lower House of Assembly of our Parliament. The MDC-T has the speakership of this very important part of the legislature. In local government, the MDC-T and MDC-M formations control 54 out of the 88 local government authorities, with Zanu (PF) controlling 34. Thus, with the control of all urban councils, the MDC is now in charge of local government in Zimbabwe.

Mr. Chairman, on a balance, events in Zimbabwe are tilting towards pro-democracy groups. These gains need to be protected, defended and consolidated.

A key challenge to the unity government is lack of fiscal resources. Last week, the Prime Minister, Hon. Tsvangirai noted that he inherited empty treasury coffers. In the absence of a meaningful economic stimulus, the government is broke and cannot afford to provide critical services and payment of civil service

¹ Outstanding issues include delays in the appointment of Provincial Governors, top government officials including Permanent Secretaries, Ambassadors, Central Bank Governor, Attorney General and the swearing in of Deputy Minister of Agriculture Mr. Roy Bennett. The continued incarceration of political prisoners; a wave of new farm invasions mainly targeting the remaining 400 out of the 4000 as at year 2000 former white commercial farms.

salaries. With manufacturing and industry at an all time low, there is no internal capacity to address the country's resource gap. As such, Zimbabwe is in urgent need of international support, at least USD 8.5 billion is needed for economic recovery and reconstruction, that would benefit essential areas such as education and health care. Having launched an emergency economic recovery program, it is sad, Mr. Chairman, that 84 days later, the Inclusive government continues to struggle to raise the financial resources required to get the economy back on the path to recovery, beyond humanitarian assistance so far availed. Civil servants, among them our very important academic and teaching staff, continue to be paid an allowance of USD 100 across the board. Trade unions are beginning to break rank and demanding a minimum wage of USD450. The possibility of nationwide strikes is real. This plays directly into the hands of hardliners who are looking for opportunities to demonstrate that the unity government is a farce, and to roll out the machinery of force to quell any potential disruptions to public peace and security.

Mr. Chairman, I am aware that the current common position among most donors, multilateral or bilateral is based on the attainment of specific benchmarks to be met by the new government in Zimbabwe before aid can be extended beyond the current humanitarian assistance. For the record, these benchmarks are:

1. Full access to humanitarian assistance;
2. Restoration of the rule of law;
3. Commitment to the democratic process;
4. Respect for Human Rights and Standards;
5. Commitment to macroeconomic stabilization under International Financial Institutions guidance.

Benchmarks are based on time bound and specific measures of progress towards commitment to various forms of reform to be implemented by the Inclusive Government. The benchmarks are necessary but insufficient in moving Zimbabwe to full democracy via the unity government transitional route. Delays in aid have a potential of undermining people's confidence in the capacity of the delivery capacity of prodemocracy members of the GNU.

Mr. Chairman, the United States Government (USG) leadership among "like-minded donors" in Zimbabwe helped marshal the resources which contributed to assisting pro-democracy groups; not only to survive, but to be part of a power-sharing arrangement. This is a major achievement.

Mr. Chairman, let me recall the great contribution that the USG continues to give to my country. I am aware of the USG's contribution to the development of the people of Zimbabwe over many years. Your government has played a leading role in mobilizing support for Zimbabwe in the field of Humanitarian Assistance, diplomacy and the assistance of many non-state-actors working on promoting Democracy and Good Governance. In fact for the 10 years between 1998 and 2008, assistance directed to Zimbabwe via the USAID-Zimbabwe mission is close to USD 1.1 Billion. This assistance has significantly contributed to improvement in the livelihoods of many Zimbabweans. In the field of democracy, the window of opportunity that we have today is in part based on the principled support of the international community. However, new approaches need to be adopted. Gains made post-29 March 2008 need practical steps to defend these.

Now that pro-democracy forces are partially in charge, admittedly of an imperfect transitional government, a re-calibration of the policy of the "like minded donors" is called for. This request is being made by the majority of pro-democracy groups themselves.

Admittedly, there are benchmarks that do not cost Zimbabwe international aid. Support to civil society should remain so that internal pressure for these to be achieved is maintained. For example, the liberalization of media space, constitutional and electoral reforms, improvement in the delivery of justice and respect for human rights are positive conditions that the new government must move fast to institute. However, there are points of leverage that the international community must view as critical enablers for the Inclusive Government to survive and put measures that will lead to a free and fair election.

Mr. Chairman, I urge the new administration of the USG to stop **looking** for stability factors. This is the moment to start **seeing** these stability factors. Any delay may have unintended consequences and play into the hands of those of the old order itching to have this opportunity wrecked.

Mr. Chairman, my considered opinion is for the USG to shift policy from smart sanctions towards targeted co-operation and smart assistance. I am recommending smart assistance in the form of rewarding, through targeted assistance, key drivers of democratic reforms. In this regard, Mr. Chairman, targeted sanctions-

especially against those individuals and entities that continue to work against democracy and the rule of law must remain in force.

Democratization is a process and not an event and the USG should find new ways of supporting progressive components of the Inclusive Government. Ministries committed to reforms, civil society organizations and other entities strengthening the democratization process require urgent support.

Let me illuminate through an example from last year. In the face of a critical election year and opportunity, the donors contributed resources to enable civil society groups and citizens to monitor and observe our elections across the country. Close to 10 000 election observers were deployed by a budget provision of as modest as USD3.4 million. Of the observers, a significant number were teachers in rural and isolated areas. Men and women devoted to investing in education so that future generations are not lost. In the violence that characterized the aftermath of the elections, many of these teachers had their schools, homes and even identity documents destroyed. Many of those affected were young women, who were gang raped in a time of HIV. Today they are asking the government they helped to bring to power for a living wage. This is one strategic area where the donors can make tangible progress. By getting education going again, getting young girls back in class means they will not be victims of sexual trafficking and predatory practices so prevalent in our unequal society. I think we are in a moment of opportunity. Your leadership is required.

Mr. Chairman and members of the committee, I remain grateful and humbled by your invitation for me to testify before this distinguished subcommittee. Zimbabwe is at a crucial moment. It's the moment to save it or see it recede into the anarchy that I shudder to see repeated after the orgy of violence that we witnessed last year.

I look forward to responding to questions.

Thank You

JOY MABENGUE

Mr. PAYNE. Thank you very much. Ms. Lee?

**STATEMENT OF NICOLE LEE, ESQ., EXECUTIVE DIRECTOR,
TRANSAFRICA FORUM**

Ms. LEE. Good morning.

Mr. PAYNE. Good morning.

Ms. LEE. Mr. Chairman, Mr. Smith, esteemed members of the subcommittee, thank you for the opportunity to testify on a new way forward for Zimbabwe. My remarks here today are a summary of our written testimony submitted to the subcommittee.

Mr. Chairman, exploration of the new approaches for United States policy toward Zimbabwe is long overdue. The situation in Zimbabwe remains extremely unstable. Since the February 2009 the swearing-in of the new Government of National Unity, there has been some slowing of the country's economic decline as new fiscal policies take effect. Today, the United States and other Western nations are challenged to discern how to best support Zimbabwe's forces for change.

The policy approaches of the past are not the appropriate tools for the present and, in fact, are likely to undermine the very actors that need our support. Negotiations have led to an inclusive government which joins the parties headed by Morgan Tsvangirai, as Prime Minister, with his former rival, President Robert Mugabe. The new government, transitional in nature, is responsible for developing a new constitution and for holding fresh elections in 2 short years.

A full analysis of the elections and their aftermath is contained in the TransAfrica Forum's 2008 report, *Zimbabwe: A Dream Deferred*, which has also been submitted for inclusion in the record.

The violence following the March 2008 elections was extremely widespread. The atrocities included thousands of beatings, destruction of property, and forced participation in ZANU-PF political meetings. The worst of the ruling party's violations are unequivocally crimes against humanity.

The evidence of abuse continues as recently as yesterday, when Zimbabwean courts ordered, and then rescinded the order, for the detention of 17 previously released Zimbabwe civil society and opposition activists. The arrests are the latest in a series of acts of intimidation, including extralegal abductions undertaken by Zimbabwe's military and security operatives designed to undermine the current government of national unity.

The prospects for restraining the security sector are unclear. Repressive laws and structures remain in place. Members of the security forces who participated in the abuses remain on the government payroll.

The health of the general population remains a major concern. The most visible sign of the collapsed healthcare system has been the cholera epidemic. Almost 90,000 cases were reported, resulting in nearly 4,000 deaths.

The country's formerly stellar education system has ceased to function, resulting in a lost generation of youth who have not had access to education for prolonged periods, and approximately two-thirds of the country relies on food relief.

Hunger remains a threat due to the collapse of the agricultural sector, which, in the example of the terrible harvest of 2008, left millions of people in need of food assistance, and though the April 2009 harvest was better, the limited purchasing power of the urban households continues to constrain their food access.

In addition, Zimbabwe is heavily indebted, with approximately \$5 billion owed to multilateral financial institutions. The country's \$1.4 billion in arrears leaves it ineligible for loans, thus, today, the country is bankrupt.

This new unit government is hamstrung by the legacy of corruption, lack of accountability, transparency, and mismanagement. These problems can only be overcome by maintaining momentum toward a genuine democracy. This requires support for its short-term, emergency-recovery program.

TransAfrica urges the Congress and the executive branch to adopt the following course of action: First, to expand support for democracy and governance programs. In 2008, USAID provided human rights, trade union, election monitoring, and reporting on the election process. These resources were critically important. As the focus of activity moves from election-related activities to the difficult task of rebuilding democratic structures, broad support for community-based organizations is essential.

Second, we need to continue humanitarian support, including food delivery and HIV/AIDS medication. Again, while the 2009 harvest increased the level of food supplies, Zimbabwe remains food insecure. The country will continue to need food assistance for some time.

Thirdly, the appointment of a special envoy. U.S. Ambassador McGee has received high marks for his work in Zimbabwe. However, the regional nature of this crisis requires a comprehensive approach that can only be accomplished through the appointment of a U.S. Special Envoy with a mandate to engage the government, the U.N., multilateral agencies, as well as various civil society actors working throughout the region.

Fourth, support a debt audit. Civil society groups in Zimbabwe have long called for an audit of Zimbabwe's debt. Currently, most debt analysts believe that the majority of the country's debt is largely odious, highlighting the need for a thorough audit. Additionally, a comprehensive audit could reveal not only the status of bi- and multilateral loan agreements but could also uncover evidence of fraud and mismanagement.

Fifth, contribute to the Multi-Donor Trust Fund. The recently announced Multi-Donor Trust Fund is administered by the United Nations Development program, the International Monetary Fund, the World Bank, and the African Development Bank. It works in coordination with the inclusive government to ensure payment of the country's prioritized expenses.

The trust fund will provide payment support for the following economic and social-development activities: Monthly stipends to those providing essential social services; rehabilitation of physical infrastructure; audit of the civil service; technical support for small-holder farmers; credit mechanisms for commercial farming; industrial development and small business development; and the

training for the reform of the security sector and civil society structures oriented to the community.

Certainly, there are risks involved in providing support to Zimbabwe's economic development. As human rights activists and researchers point out, the fundamental systems of repression and corruption remain in place.

In addition, the MDC, while a recipient of the majority of the vote, remains a minor player in the inclusive government.

ZANU-PF retains control of the security sector, while MDC is responsible for the massive economic mess and its reconstruction, but be that as it may, for those committed to supporting a democratic result in Zimbabwe, a fundamental question is, given these circumstances, what is the best course of action?

The strategy of donor nations has been to facilitate the collapse of the country's economy, expecting that Mugabe and ZANU-PF would, in turn, collapse, and while Mugabe has been move to the negotiating table, he has not fully conceded power and retains a level of support amongst the population. In this uneven playing field, donor nations demand that the inclusive government produce concrete evidence of change, yet the change agents are handicapped by both a lack of access to resources, as well as the intransigence of the Mugabe forces.

Targeted support that prioritizes the needs of the most vulnerable, is transparent and accountable, and is framed by priorities outlined in the short-term economic recovery program is one reasonable way forward.

TransAfrica does not make these recommendations likely. The conditions in which Zimbabweans find themselves, and the prospect of deeper decay and disruption, require a change.

Mr. Chairman and members of the subcommittee, I thank you for this opportunity to share TransAfrica's vision for Zimbabwe, and we look forward to working closely with you to reestablish Zimbabwe as a self-sufficient, thriving democracy. Thank you.

[The prepared statement of Ms. Lee follows:]



CONGRESSIONAL TESTIMONY

Submitted by
Nicole C. Lee, Esq., Executive Director
TransAfrica Forum

To the

United States House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa and Global Health

Thursday, May 7, 2009

Zimbabwe: Opportunities for a New Way Forward

SUMMARY

Exploration of new approaches for U.S. policy toward Zimbabwe is long overdue. As one member of the South African-based campaign, Save Zimbabwe Now, said recently, it is time for a "smart U.S. policy," one that moves beyond the narrow focus on 'regime change' toward a comprehensive policy that recognizes Zimbabwe's and the region's multiple, intersecting and complex crises, for which many – both internal and external actors – share some blame and responsibility.

The situation in Zimbabwe remains extremely unstable. Since the February 2009 swearing-in of the new Government of National Unity, there has been some slowing of the country's economic decline as new fiscal policies take effect. Additionally, the cases of ZANU-PF backed unlawful detentions, intimidation, and violence have fallen in number. Yet, struggles for power within Zimbabwe's inclusive government continue, resulting in uneven progress toward a government where inclusion, rule of law, and respect for rights is the norm as opposed to the exception. While in theory Zimbabwe has an inclusive government, in fact President Mugabe and ZANU-PF retain control of the security forces and key ministries. Prime Minister Morgan Tsvangirai and the Movement for Democratic Change representatives hold numerical superiority in the

Parliament, but oversee a financially bankrupt government and their supporters continue to face arrest, torture, and harassment.

Today, the U.S. and other western governments are challenged to discern how best to support Zimbabwe's forces for change, those in government, civil society, and the private sector. The policy approaches of the past – criticism, isolation, and hostile pressure – are certainly not the appropriate tools for the present, and in fact are likely to undermine the very actors that need support.

In terms of a new direction for U.S. policy, TransAfrica Forum recommends the following:

1. Continued humanitarian support for needy communities.
2. Continuation of USAID's democracy and government programs, and the expansion of such support to grassroots and community-based actors. Community and grassroots organization, including faith-based and women's groups will play a determinative role in the next two years as the locus of activity shifts from elections, election monitoring, towards the establishment of conditions for free and fair elections and the draft of a new constitution.
3. Appointment of an U.S. Special Envoy to the region.
4. Financing for the new multi-donor trust fund, overseen by the International Monetary Fund (IMF), the African Development Bank (ADB), and United Nations Development Programme (UNDP) that is charged with working in collaboration with the new Minister of Finance Tendai Biti.¹

THE CURRENT SITUATION IN ZIMBABWE

Presidential, national, and local elections were held in March 2008, during which former trade unionist and leader of the Movement for Democratic Change (MDC), Morgan Tsvangirai, garnered a near-majority of votes for the position of president. But, as a result of corruption, political violence and intimidation, Tsvangirai did not participate in the follow-up second round in June 2008. Instead negotiations led to an 'inclusive government' which joins parties headed by Tsvangirai as Prime Minister with his former rival, President Robert Mugabe, and with the MDC breakaway faction led by Arthur Mutambara. The new government, transitional in nature, is responsible for developing a new constitution and holding fresh elections in two years.

A full analysis of the elections and its aftermath is contained in TransAfrica Forum's 2008 report, *Zimbabwe: a Dream Deferred*,² which has also been submitted for inclusion in the record.

Since the March elections and presidential run-off, the country has experienced a precipitous decline. Today, some analysts fear that a complete breakdown, a complete state failure, is possible if the decline is not halted and careful reconstruction initiated.

Political violence – The violence following the March elections was extremely widespread, targeting opposition members and their supporters, election monitors, poll workers (largely teachers), as well as ZANU-PF members thought to have voted for the MDC. The atrocities included thousands of attacks on individuals and property, public beatings, destruction of property, and forced participation in ZANU-PF political meetings. The worst of the ruling party's violations are unequivocally Crimes against Humanity and include:

- Murder,
- Persecution on political and ethnic grounds, including rape, torture, beatings, and forced displacement,
- Obstruction of delivery of humanitarian aid, including food³

Despite the egregious nature of these attacks, and the option of indictment by the International Criminal Court, thus far, the perpetrators have not been held accountable, and in fact continue unmolested in the security forces, as well as state and local government.

The prospects for retraining the security sector, particularly the police, as well as the arrest and trial of human rights violators are unclear. Repressive laws and structures remain in place. Government officials responsible for overseeing Crimes against Humanity remain in office. And, over 29,000 members of the security forces who participated in widespread abuse remain on the government payroll.

Perhaps more difficult, is the task of unraveling the decades old culture of authoritarianism and patriarchy for which the ruling party, ZANU-PF, has become known. This culture of paternalism and political intolerance, defined as 'Zanu-fication,' is reflected throughout all the country's political structures, including the MDC.

Collapse of the health system. In addition to high levels of HIV/AIDS, the country is beset by a continuing healthcare crisis, with high levels of cholera, malaria, and other treatable diseases leading to thousands of fatalities. Aggravating factors include migration of trained professionals, lack of drugs, materials, and supplies in the hospitals, and inability to pay health care workers. Today, "there are about 68% vacant posts for doctors."⁴

The most visible sign of the collapsed health care system has been the cholera epidemic. The outbreak began in August 2008, spread to all ten provinces in the country, and the neighboring countries. Almost 90,000 cases were reported, resulting in nearly 4,000

deaths. UN officials report that the outbreak has slowed, but that the situation remains grave with elevated amounts of cholera in every water source in Harare's most affected suburb, Budiriro.⁵

A January 2009 report issued by Physicians for Human Rights ⁶ states that "the Government of Zimbabwe has abrogated the most basic state functions in protecting the health of the population – including the maintenance of public hospitals and clinics and the support for the health workers required to maintain the public health system." The report notes that the public health system has been in decline for several years, but that "both public health and clinical care has dramatically accelerated since August 2008."⁷

Collapse of the education system. The country's formally stellar education system has ceased to function, resulting in a lost generation of youth who have not had access to education for prolonged periods. Additionally, teachers have been the target of physical violence and loss of property and only in April ended a prolonged wage-related strike. According to one Zimbabwean working in South Africa:

In the violence that took place from about April 18 through to June 27 last year, and in the spate of abductions that followed in the final part of the year, the teachers were among those targeted. Their schools and classrooms were also attacked. As a result last year was a lost year in terms of Zimbabwe's education targets. Families in a certain class were able to send their children to schools in neighboring countries. But ultimately young boys and girls lost on their dreams. The most painful cases are those of students who had key exams to write the GCE O and A level exams and those in Universities and Colleges, especially on the last leg of their studies. This year teachers are staying away from school. Their demand is a living wage and appropriate learning conditions in classrooms.⁸

Escalating migration. Political violence, poverty, and unemployment have caused the migration of an estimated three to five million Zimbabweans, creating a severe strain on the neighboring countries, particularly South Africa and Mozambique. According to Lawyers for Human Rights, "The Zimbabwean migration" includes "asylum seekers fleeing political persecution, economic migrants from a shattered economy, traders, shoppers and unaccompanied minors..."⁹ As faith in the new unity government wanes, migration is likely to continue and escalate.

Food insecurity. Approximately two-thirds of the country relies on food relief, as widespread hunger remains a threat due to the collapse of the agricultural sector, both subsistence and commercial. A terrible harvest in 2008 left millions in need of food assistance. The UN World Food Programme has collected \$240 million in donations to provide food aid for the country's 2009 crisis period, January – March.¹⁰ According to Famine Early Warning System Network, the April 2009 harvest has improved food supplies, but, the "limited purchasing power of most poor urban households continues

to constrain their food access.”¹¹ “However, in February, civil servants received a monthly allowance in foreign currency, which improved their access to food now sold in foreign currency.”¹²

Debt crisis. Zimbabwe is heavily indebted, with approximately \$5 billion outstanding to multilateral financial institutions, lending countries, and commercial creditors. The country’s \$1.4 billion arrears, leaves it ineligible for loans. According to Zimbabwean Senator Obert Gutu:

*As at December 1, 2008, Zimbabwe’s external debt stood at USD5, 255 billion, with a current account balance of – USD597 million. Put simply, the Republic of Zimbabwe is bankrupt since it has no capacity to service the afore-mentioned debt.*¹³

Economic collapse. As TransAfrica Forum has argued in the past, the reasons behind Zimbabwe’s economic decline are numerous, complex, and historical. The general assumption that the land distribution plan of the 1990’s is the sole reason for the country’s economic decline and food insecurity is flatly inaccurate.

Structural weaknesses: Many political economists identify the country’s unresolved structural weaknesses and systemic inequality built into the apartheid-like system constructed by the Rhodesian settlers as the primary root cause. Others, for example South African –based scholar, Patrick Bond, point to the related crises of Rhodesia’s “over-consumption” of the early 1970s. Whatever the beginning, analysts agree that at independence the country’s economy was skewed, for example:

- The entire national economy was designed to support the maintenance and enrichment of a small white minority. At independence fewer than “7,000 white farmers each owned, on average, more than 100 times the land available to the average African peasant.” These farmers had, for decades had benefited from government agricultural subsidies and investments in the farming sector;¹⁴
- Industry, mining and manufacturing sector were in the hands of multinational corporations and the white settler minority;
- The majority of the population had been systematically excluded from pool of skilled labor as well as the formal economy through a variety of legal and abusive measures.

Economic distortions continue today, mining, manufacturing, and most industry remains in the hands of external corporations, the white minority, or a small African elite. In addition, South African businesses are taking advantage of Zimbabwe’s weaker national economy to begin to establish a foothold in the country.

ESAP: Zimbabwe’s Economic Structural Adjustment Program (ESAP), which began in 1991, is also a factor in the country’s current economic decline. Despite Zimbabwe’s economic progress of the 1980’s, during which the economy grew at 4 percent from 1986

– 1990, the country accumulated massive debt, as well as high defense costs resulting from apartheid South Africa's war of regional destabilization. ESAP, as has been the case in many other countries, "undermined the country's industrial base."¹⁵ The imposition of tariffs on manufacturing inputs, trade liberalization, which exposed manufacturing companies to foreign competition, decreasing productivity, privatization, and imposition of user fees for education and health, decline in wages and employment were the main outcomes of the program. ESAP's "overall impact was deindustrializing, with foreign competition increasing dramatically,¹⁶" and a weakened economy.

Just as deregulation, speculation, and trade liberalization are the roots of the United States' current economic recession, so to in Zimbabwe.

Government mismanagement: Furthermore, the government's decision to provide a Z4.5Bn financial payout to militant war veterans in 1997 further increased the budget deficit and inflation.¹⁷ Moreover the military costs of war in the Democratic Republic of the Congo (1998 - 2003) and a steep decline in agricultural production following the land redistribution have added to the country's economic woe.

Today, the country is bankrupt. Unemployment in the formal sector stands at 90 percent. Fuel is "acutely scarce," electricity erratic, and external debt "continues to mount" and "the country has witnessed a deterioration of all major infrastructures."¹⁸ In April, the Reserve Bank Governor, Gideon Gono, admitted to stealing from individual and organizational foreign currency accounts in order to cover government shortfalls. Victims were many and included

- Universities that received external project support
- A Dutch development organization, Hivos, which had Euros taken from its account
- Global Fund to Fight Aids Tuberculosis and Malaria had 5.64 million taken from it's accounts in 2008¹⁹

THE INCLUSIVE GOVERNMENT

Despite these overwhelming challenges, the fragile new government formed by the September 15, 2008 Global Political Agreement is beginning to function, in the face of continued intimidation, manipulation and violence, including kidnapping, illegitimate arrests, and other unlawful acts perpetrated by supporters of ZANU-PF. The Human Rights NGO Forum reported 155 violations in March, as opposed to 435 in February.²⁰

While handicapped by internal division, the new government is working to overturn repressive laws, including restrictions on political expression, right of assembly, and free movement of peoples.

Importantly, the inclusive government's new economic plan, the Short Term Emergency Recovery Programme (STERP) reinforces support for equitable land redistribution. Specifically, the document states:

In the medium to long term, it will be essential and critical that the country guarantees **food security and self reliance**. In this regard, it is essential that we **address the land issue** consistent with the Global Political Agreement, which provides for a comprehensive transparent and **non partisan land audit** for the purposes of establishing accountability, gender equity and eliminating multiple farm ownerships as well as ensuring the restoration of full productivity on all agricultural land in the interest of all Zimbabwe people. Long term sustainable viability of agriculture can only arise if there is security of tenure through among other instruments, lease hold title, land permits and private financing of agriculture as recognized in the GPA. [Section 79; emphasis in the original]²¹

Additionally, the new government has made positive steps toward restoring economic accountability and sound management through: 1) Creating a plan for economic restructuring that addresses the recent history of economic mismanagement, spiraling inflation, and the collapse of the local currency, and 2) Ending the Reserve Bank of Zimbabwe's quasi-fiscal activities that financed the ZANU-PF system of fiscal patronage, that included:

- Removing unsustainable price controls,
- Initiating cash budgeting, and
- Reopening the stock market.

The key priority areas of the Short-Term Economic Recovery Programme (STERP) are;²²

a) Political and Governance Issues

- i. The constitution and the constitution making processes
- ii. The media and media reforms
- iii. Legislations reforms intended at:
 - a) Strengthening Governance and accountability
 - b) Promoting Governance and rule of law
 - c) Promoting equality and fairness, including gender equality.

b) Social Protection

- i. Food and Humanitarian Assistance
- ii. Education
- iii. Health
- iv. Strategically targeted vulnerable sectors.

c) Stabilisation

- i. Implementation of a growth oriented recovery programme
- ii. Restoring the value of the local currency and guaranteeing its stability
- iii. Increasing capacity utilisation in all sectors of the economy and, hence, creation of jobs
- iv. Ensuring adequate availability of essential commodities such as food, fuel and electricity
- v. Rehabilitation of collapsed social, health and education sectors
- vi. Ensuring Adequate Water Supply

OPPORTUNITIES FOR A NEW WAY FORWARD

Today, Zimbabwe's full transition to participatory democracy hangs in the balance; if the inclusive government fails the country is threatened with either Somalia-style collapse or a return to military rule.

The new government is hamstrung by a legacy of corruption, lack of accountability and transparency, and mismanagement in the state structures. These problems can only be overcome by maintaining momentum towards genuine democracy, which in turn requires support for its short term emergency recovery program. Accountability of all U.S. resources donated to support such a program can be assured through the systems established by the Zimbabwe finance ministry that will utilize a new Multi-Donor Trust Fund appropriately.

TransAfrica Forum urges the Congress and the Executive Branch to adopt the following course of action.

1. Expand support for democracy and governance programs. In 2008 USAID provided human rights, trade union, and election observation groups resources to monitor and report on the pre- and post- election process. These resources were critically important. As the locus of activity moves from election related activities to the difficult task of rebuilding democratic structures, reconciliation, and education and mobilizing activities related to drafting a new constitution, broad support for community-based and grassroots organizations is essential.

2. Continue humanitarian support, including food delivery and HIV/AIDS medication. While the 2009 harvest has increased the level of food supplies, Zimbabwe remains food insecure. The country will continue to need food assistance. The country's health sector will continue to need assistance with cholera, expected to resurge during the rainy season, as well as other communicable diseases.

3. Appoint of a Special Envoy. U.S. Ambassador McGee has received high marks for his work in the country. However, the regional nature of the crisis requires a comprehensive approach that can only be accomplished through the appointment of a Special Envoy with a mandate to engage government, the UN, multilateral agencies, as well as various civil society actors working throughout the region, particularly labor, human rights, women, and community-based organizations. A successful envoy would need to have a well-developed understanding of the Zimbabwe, and a demonstrated track record of participatory approaches to problem solving, as well as a demonstrated history of collaboration with civil society organizations.

4. Support a Debt Audit. Civil society groups have long called for an audit of Zimbabwe's debt. Currently, most debt analysts believe that the majority of the country's debt is largely odious, highlighting the need for a thorough audit of the country's existing debt. Additionally, a comprehensive audit could reveal not only the status of bi- and multi-lateral loan agreements, but also uncover evidence of fraud and mismanagement.

5. Contribute to the Multi-Donor Trust Fund. The recently announced Multi-Donor Trust Fund is administered by the United Nations Development Program, the International Monetary Fund, the World Bank, and the African Development Bank. It works in coordination with the inclusive government to ensure payment of the country's prioritized expenses, until such time as the country's finance structures have been reformed and made accountable and transparent. The Trust Fund will provide payment support for the following economic and social development activities:

- Monthly stipends to those providing essential social services, particularly within the health and education sectors.
- Rehabilitation and maintenance of physical infrastructure, including public buildings, roads and bridges, electricity and telecommunications networks, railroads and especially water/sanitation systems.
- Audit of the civil service, and monthly stipends for verified civil servants
- Technical support and inputs for small-holder farmers, in order to improve food security
- Credit mechanisms for commercial farming, industrial development and small business development
- Training for reform of the security sector; SADC does oversee a police training program, which could be extended to accommodate Zimbabwe's training needs.
- Civil society structures oriented to community mobilization and organization, and advocacy and accountability, in all social and environmental sectors and in all areas of Zimbabwe.

There are risks involved in providing support to Zimbabwe's economic development. As human rights activists and researcher point out, the fundamental systems of

repression and corruption remain in place. The officials responsible for the politicization of food aid, the collapse of the health sector, ongoing political violence, and the country's security system remain in place.

The Movement for Democratic Change, while a recipient of the majority vote, remains a minority player in the inclusive government. ZANU-PF retains control of the security sector, while MDC is responsible for the massive economic mess and its reconstruction.

For those committed to supporting a democratic dispensation in Zimbabwe, a fundamental question is: Given these circumstances, what is the best course of action? For TransAfrica Forum, the most important consideration is the need to provide support for the people of Zimbabwe, which has to include: 1) Targeting support to the most vulnerable; and 2) Ensuring that funds do not go through the government's coffers, thus ensuring no direct gain, particularly to the bloated security sector. The Multi-Donor Trust Fund should meet those objectives.

Beyond the humanitarian and mechanical, are other policy questions. If the Obama Administration supports the regional goal of a democratic, stable, economically prosperous Zimbabwe, what specific measures should the U.S. undertake in order to encourage that development? What targeted changes should be made that will reduce the authority and power of the toxic forces of repression inside the inclusive government?

The strategy of donor nations has been to facilitate the collapse of the country's economy expecting that Mugabe and ZANU-PF would in turn collapse. While Mugabe and the security operatives that surround him have been moved to the negotiating table, they have not fully conceded power and retain a level of support amongst the population. In this uneven playing field donor nations demand that the inclusive government produce concrete evidence of change. Yet the change agents are handicapped by both a lack of access to resources as well as the intransigence of the Mugabe forces.

Targeted support that prioritizes the needs of the most vulnerable, is transparent and accountable, and that is framed by the priorities outlined by the new STERP is one reasonable way forward. TransAfrica Forum does not make these recommendations lightly, but we have been swayed by the civil society voices from Zimbabwe and from the region. The conditions, in which Zimbabweans find themselves, and the prospect for deeper decay and disruption, require a change.

The current approach of starving the country to force change, risks increasing hostility towards the U.S. from all parties in the situation, as well as an acceleration of the current conditions: migration, poverty, disease, and complete failure of the state.

TransAfrica Forum is the leading U.S. advocacy organization for Africa and the African Diaspora in U.S. foreign policy. TransAfrica Forum helped lead the world protest against apartheid in South Africa and today works for human and economic justice for African people on the continent of Africa, in Latin America and in the Caribbean. Contact us: TransAfrica Forum, 1629 K Street, N.W., Suite 1100, Washington, D.C., 20006, 202-223-1960, www.transafricaforum.org.

¹ Gonda, Violet. *Zimbabwe:IMF Agrees to Set Up Multi Donor Trust Fund*. AllAfrica Global Media (AllAfrica.com). 28 April 2009. <<http://allafrica.com/stories/printable/200904280903>>

² Bomba, Briggs, Imami Countess, Roxanne Lawson. *The Zimbabwe Elections: A Dream Deferred*. TransAfrica Forum (May 2008): 1-5.

³ *Rome Statute of the International Criminal Court*. Office of the United Nations High Commissioner for Human Rights. 1 July 2002. <<http://www2.ohchr.org/english/law/criminalcourt.htm>>

⁴ *Short Term Emergency Recovery Programme (STERP), Getting Zimbabwe Moving Again*. Zimbabwe Ministry of Finance. March 2009: 24.

⁵ *Zimbabwe: Cholera Outreach Fact Sheet #11 (FY 2009)*. USAID, 5 May 2009.

<<http://www.reliefweb.int/rw/rwb.nsf/db900SID/EDIS-7PVV2A?Opc>>

⁶ *Health in Ruins, A Man Made Disaster in Zimbabwe*. January 2009. Physicians for Human Rights. <<http://physiciansforhumanrights.org/library/documents/reports/2009-health-in-ruins-zim-full.pdf>>

⁷ PHR press release, see copy

⁸ Isabella Matambanadzo, e-mail correspondence, 4, April, 2009.

⁹ *South Africa: Zimbabwean migration camouflages human traffickers*. IRIN, Humanitarian news and analysis. 1 May 2009, <<http://www.irinnews.org/printReport.aspx?ReportId=84186>>

¹⁰ WFP video on line – see website

¹¹ *FEWS Zimbabwe Food Security Update, Mar 2009-Early harvest improve rural food access*. Famine Early Warning System Network (FEWS NET). 9 April 2009. <<http://www.reliefweb.int/rw/rwb.nsf/db900SID/OYAH-7QXM4C?>>

¹² *FEWS Zimbabwe Food Security Update, Mar 2009-Early harvest improve rural food access*. Famine Early Warning System Network (FEWS NET). 9 April 2009. <<http://www.reliefweb.int/rw/rwb.nsf/db900SID/OYAH-7QXM4C?>>

¹³ Paper to be presented by Senator O. C. Gutu at a Conference on Fair and Transparent Arbitration Mechanism on Illegitimate and Odious Debts; Johannesburg, South Africa; 30-31 March, 2009.

¹⁴ Zimbabwe Catholic Bishops Conference, Evangelical Fellowship of Zimbabwe, and Zimbabwe Council of Churches, *The Zimbabwe we Want*, (Harare, 2006).

¹⁵ *Padraig Carmody and Scott Taylor, Industry and the Urban Sector in Zimbabwe's Political Economy*, African Studies Quarterly, The Online Journal for African Studies, 27 May 2007 <<http://www.africa.ufl.edu/asq/v7/v7i2a3.htm>>

¹⁶ Ibid, page 3

¹⁷ Ibid, page 6

¹⁸ Government of Zimbabwe Economic Policies, page 4.

¹⁹ Mutikani, Lucia. *Zimbabwe needs to do more for Financial Aid-Bank*. Reuters. 26 April 2009. 3 May 2009. <<http://af.reuters.com/>> Cris Chinaka

²⁰ *Rights violations a threat to GNU*, 3, May, 2009 <http://www.thezimbabwetimes.com/?p=16140>

²¹ *Short Term Emergency Recovery Programme(STERP), Getting Zimbabwe Moving Again*. Zimbabwe Ministry of Finance. March 2009:29. -

²² *Short Term Emergency Recovery Programme(STERP), Getting Zimbabwe Moving Again*. Zimbabwe Ministry of Finance. March 2009:8.

Mr. PAYNE. Thank you. Mr. Craner?

STATEMENT OF THE HONORABLE LORNE W. CRANER, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE (FORMER ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND LABOR)

Mr. CRANER. Mr. Chairman, Congressman Smith, and members of the subcommittee, thank you for the opportunity to testify today. Your hearings are, as always, timely.

As you noted, Mr. Chairman, that a unity government even exists in Zimbabwe is a remarkable success, and there have been hopeful signs over the last few months, but the Global Political Agreement, the basis for the new government, is imperfect, and the MDC must be vigilant against their relegation to wholly junior partners by ZANU-PF.

On the plus side, the Finance Ministry, under the capable leadership of MDC General Secretary Tendai Biti, has taken significant initial steps to stabilize the free-falling Zimbabwean economy.

In March, the government released its Short Term Economic Recovery program (STERP) and, in April, officially abandoned the Zimbabwe dollar in favor of the South African rand and U.S. dollar. The government has recently begun paying civil servants and teachers, and food is beginning to appear on the shelves in stores, and humanitarian assistance is increasingly reaching rural areas.

Politically, independent papers are beginning to return, and a parliamentary committee has been appointed to draft a new constitution to form the basis for new elections. We, at IRI, have seen this political opening firsthand, as we have been able to extend our work to include democratic activists outside the Cities of Harare and Bulawayo, but with the government an unholy marriage of contradicting interests, there remain huge problems.

Daily headlines refer to boycotts of meetings, crisis talks, and unilateral actions, all underscoring a lack of commitment by the most headline elements in the government to the success of the inclusive government and, in some cases, representing an active desire to sabotage it. The MDC treasurer and nominated deputy agricultural minister, Roy Bennett, has been charged with high treason and remains under house arrest.

President Mugabe unilaterally reappointed Gideon Gono as director of the Central Bank and Johannes Tomana as attorney general and announced that the ZANU-PF-controlled Transport Ministry would take over the Ministry of Information, a ministry held by MDC Spokesman Nelson Chamisa.

Although it has lessened, the specter of violence hovers over Zimbabwe, particularly in rural areas, and, as we all know, just this week, 18 human rights activists and MDC members were re-arrested after previously being released on bail. Violent farm invasions and seizures continue.

There is no doubt that Zimbabwe is at a critical crossroads. In the best-case scenario, the inclusive government could succeed, the MCC could prove its ability to rule fairly and effectively, and a new constitution could be created, ultimately leading to transparent elections. But even setting aside ZANU-PF intransigence, this is no small task.

At this important time, I think it is critical that the U.S. continue to actively promote an environment receptive and conducive to democratic reform. I would recommend the adoption of five guiding principles.

Number one: Recognize that the inclusive government is an imperfect and interim arrangement, a first step along the path of a democratic transition. It is not, and never will be, a fair representation of the wishes of the Zimbabwean people. Economic stabilization and immediate relief of the humanitarian crisis is of utmost importance, but the inclusive government will have failed if it does not lead to a new constitution, new elections, and new government.

Donors should, therefore, specifically consider monetary support and technical assistance to facilitate the constitutional-review process and the structuring and depoliticization of the electoral commission.

The international community should also continue to support the efforts of Zimbabwean NGOs and democratic activists who will hold the inclusive government accountable to their promises.

Of equal importance, pro-democratic parties must be given the support they need to develop party structures to ensure their continued competitiveness.

Second, successes should be measured locally. Though perform at the national level is vital, its extent can only be determined by the quality of its expansion outside the capital. Those in rural areas have suffered most by ZANU-PF's abusive patronage network. Support should be given to developing efficient local government and helping reform-oriented mayors and counselors, such as those referred to by Mr. Mabenge, develop the skills to ensure that all Zimbabweans, and not just ZANU-PF supporters, receive what they deserve.

Third, we have to accept Zimbabwe's political spectrum as being fluid. The donor community has, rightly, exclusively supported the MDC, but now the U.S. Government must be willing to engage with moderate ZANU-PF elements and parties as they emerge. Just as some former communists in Poland, the Czech Republic, and elsewhere came to be democrats, there are, no doubt, some ZANU-PF members who, through good motivation or a desire for self-preservation, are now more committed to a better future for Zimbabwe than the well-known hardliners. That distinction must be made if we are to influence the former and help neuter the latter.

Fourth, the SADC should be a leading force in resolving the Zimbabwe crisis. South Africa and others have long argued that the Zimbabwe crisis is an African matter requiring an African solution. The U.S. and other Western donors have a role to play, but SADC should take the lead in ensuring that the substance and spirit of this agreement is carried out by the unity government in condemning violations of the agreement and in giving financial assistance necessary for the survival of the agreement they helped create.

Fifth, and finally, our expectations have to be flexible and manageable. The greatest challenge facing the MDC in this inclusive government is the management of expectations. As the party leadership is well aware, both the failings and the successes of the in-

clusive government will be laid at the feet of the MDC, regardless of responsibility. The donor community must be sensitive to this and recognize that if the reformist element of the unity government cannot deliver on basic promises, their credibility will be shattered.

Though the international community should be rigidly monitoring the performance of the inclusive government, it should not rigidly attach itself to certain benchmarks. With a fragile unity government, overly conditioning aid could scupper progress in other areas. As alluded to previously, one way in which the U.S. Government should pursue channels of assistance is outside of the inclusive government, through local and international NGOs.

Mr. Chairman, as the events of recent months have shown, there is nothing predictable about Zimbabwe. The international community is right to remain hesitant in its interactions with the inclusive government, but I commend the committee, under your leadership, for encouraging dialogue about avenues of engagement.

The U.S. Government should, rightly, be cautious in its methods of offering support, but to withhold all support would be an unconscionable disservice to the people of Zimbabwe. We must target support to lay the foundations for a better economy and legitimate elections, allowing Zimbabweans to exercise their long-denied right to be served by a government of their own choosing. Thank you.

[The prepared statement of Mr. Craner follows:]

**Lorne Craner
President
International Republican Institute**

**Testimony before the House Committee on Foreign Affairs, Subcommittee on Africa
and Global Health
“Zimbabwe: Opportunities for a New Way Forward”**

May 7, 2009

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to testify today.

Today’s hearings are particularly timely, as the international community begins to take stock as the inclusive government approaches its third-month in existence. My comments today are grounded in observations by IRI, and drawing from conversations with pro-democratic activists both inside and outside Zimbabwe who continue in their struggle for democratic reform. Since the late nineties, IRI has worked to support these activists in Zimbabwe to develop momentum for reform, and to help them share their message of change with Zimbabweans and the world. These same activists are now striving to give real meaning to an inclusive government that we all hope marks the beginning of a democratic transition. What has Zimbabwe achieved with this inclusive government, what threatens democratic reform, and how can the United States and the international community best serve in guaranteeing that this transition takes root?

Background

To truly appreciate the strides that pro-democratic forces have made in Zimbabwe, it is necessary to contextualize the formation of the inclusive government within a larger struggle. The committee is familiar with the deterioration of Zimbabwe under the leadership of the liberation-era government of Robert Mugabe, as the economy was mismanaged and exploited. Following the popular rejection of the overtly pro-government constitution in 2000, President Mugabe and ZANU-PF retaliated with a massive increase in intimidation and violence against opponents, as evidenced in the sham elections of 2002 and 2005, characterized by an escalating pattern of violence, intimidation and rigging.

On the receiving end of this violence was the Movement for Democratic Change (MDC) and its allies, born largely out of the Zimbabwean labor movement and as a reaction to the increasing oppressiveness of the Mugabe regime. But despite the clampdown on political dissent, massive arrests of democratic activists on trumped up charges, persisting terror countrywide at the hands of the notorious war veterans, stifling legislation such as the Public Order and Security Act (POSA) and the Access of Information and Protection

of Privacy Act (AIPPA), and a persecuted free media, the state repeatedly failed to stamp out the groundswell of support for the democratic alternative as espoused by the MDC.

To the enormous credit of the Zimbabwean people who continue to believe in the democratic agenda of the MDC in the face of wanton intimidation, and to the credit of a political party that survived in the face of staggering persecution, the March 2008 general elections were a victory for proponents of a democratic Zimbabwe. The two factions of the MDC, for the first time, took majority control of Parliament. The MDC presidential candidate Morgan Tsvangirai won a majority, but it took the Zimbabwe Electoral Commission three weeks to release final results, indicating that Mr. Tsvangirai had a plurality, but not the majority necessary to win outright.

The second round of elections, scheduled for June 2008, prompted a rapid mobilization of state-sponsored violence to a level unseen even in previous Zimbabwe elections. Not only were MDC activists and supporters abducted, tortured and killed, but the regime manipulated the distribution of desperately needed food and humanitarian aid to harass and intimidate ordinary citizens. At the same time, President Mugabe and his compatriots in the security services and the army made it perfectly plain that *any* result, aside from Mugabe's re-election would be unacceptable. On June 22nd, the MDC and Morgan Tsvangirai announced that they had little choice but to withdraw from the election, and on June 27th Robert Mugabe won unopposed.

In response to the blatantly illegitimate election, the Southern African Development Community (SADC) stepped in to intervene. Under the guidance of former South African President Thabo Mbeki, the two factions of the MDC and ZANU-PF signed a memorandum of understanding in July which paved the way for talks with the aim of the formation of a unity government. The Global Political Agreement (GPA) was signed on September 15th and laid the foundation for a unity government. The devil remained in the details prompting further negotiations, and Morgan Tsvangirai was finally sworn in as prime minister on February 11th 2009.

Successes

Given this back-story, that a unity government even exists is a remarkable success, and one that at many points along the way was unthinkable. But the Global Political Agreement, the basis for the government, is an imperfect one, and one in which the MDC factions must be vigilant against their relegation to wholly junior partners to ZANU-PF. Nevertheless, there have been some successes in the past three months.

From an economic perspective, the Finance Ministry, under the capable leadership of the MDC General Secretary Tendai Biti, has taken significant initial steps to stabilize the freefalling Zimbabwean economy. In March, the government released its Short Term Economic Recovery Program (STERP), and in April, officially abandoned the Zimbabwe dollar in favor of the South African Rand and US Dollar. This move has also helped to sideline the Reserve Bank, still under the control of Mugabe-ally Gideon Gono, who has served as the director of the elaborate ZANU-PF patronage network in this capacity. The

government has recently begun paying civil servants and teachers a modest stipend in US dollars, and food is beginning to appear on the shelves in stores, even if there is still not enough dollars, or food, to go around. Humanitarian assistance is increasingly reaching those out in the rural areas.

There has also been a gradual opening of political space. From IRI's immediate standpoint, we have been able to extend our work to include democratic activists outside of the cities of Harare and Bulawayo, suggesting a freedom of movement and association that had been previously unheard of, even if IRI cannot as of yet work directly in the country. The Zimbabwe Media Commission has been created to review the media situation, and independent papers are beginning to return to the capital. Most importantly, there has been movement on one of the fundamental tenants of the Global Political Agreement, with a parliamentary committee appointed to work on the draft of a new constitution that will be the foundation for new elections. The various groupings of the unity government has made overtures of cooperation, most recently as demonstrated in the team building session in Victoria Falls in early April which aimed to introduce ministers from opposing parties, and to develop as a group the government's "100 Day Plan."

Problems

But despite these gestures of cooperation, this government remains an unholy marriage of contradicting interests. Skepticism is well-founded; daily headlines refer to boycotts of meetings, crisis talks and unilateral actions, all underscoring a lack of commitment by certain elements in the government to the success of the inclusive government, and in some cases, representing an active desire to sabotage the inclusive government.

Even the beginning of the new government was marred by incident. The MDC Treasurer and nominated deputy agricultural minister, Roy Bennett, was arrested and charged with high treason when he arrived in Harare for his swearing in ceremony. Mr. Bennett remains under house arrest and Mugabe refuses to swear him in as a minister. Even the judge who set bail for Mr. Bennett was threatened with arrest.

President Mugabe continues to act aggressively in order to shore up his control of key institutions. He unilaterally re-appointed Mr. Gono as director of the central bank and Johannes Tomana as Attorney General. In April, Mugabe announced that the ZANU-PF controlled Transport Ministry would take over the Ministry of Information, Communication and Technology; a ministry held by MDC spokesman Nelson Chamisa. Not only was this in direct violation of the division of ministries agreed to by the three parties, but the seizure of this particular ministry will allow ZANU-PF to spy on citizens through telephone and email correspondence; a dangerous weapon for repression and retaliation. This, combined with their control over the Home Affairs Ministry, the Defense Ministry and the judiciary, can well be interpreted as a strategy for eventual re-domination of the government backed by force.

Though it has lessened, the specter of violence continues hovers over Zimbabwe, particularly in rural areas far from the prying eyes of media and internationals. MDC supporters continue to be subjected to harassment and arrest. Just this week, eighteen human rights activists and MDC members were re-arrested after previously being released on bail. Violent farm invasions and seizures continue, and a recent New York Times article reports that some ZANU-PF cronies are threatening members of the new government in exchange for promises of amnesty.

Scenarios

What do these problems mean for Zimbabwe's prospects for transition? There is no doubt that Zimbabwe is at a critical crossroads. The success of the inclusive government spells dangerous prospects for many in ZANU-PF. There are significant, and still powerful, hardliners in the party who do not wish to be held accountable for previous misdeeds, and will do their best in this period to undermine the inclusive government and solidify their own positions. Whether this is achieved through resistance to MDC-driven reforms, or worse, through a violent assumption of power remains a very real and disquieting, unknown.

In the best case scenario, the inclusive government could succeed; the MDC could prove its ability to rule fairly and effectively, and a new constitution could be created, ultimately leading to transparent elections. But, even leaving ZANU-PF intransigence out of the equation, this will be no small task. MDC leadership in government continues to be criticized by its own support base; there are still strong voices from the lower levels of the MDC that are not satisfied with the party's cooperation with ZANU-PF. Civil society, which has been rightfully critical of its exclusion from the negotiations leading to the unity government, is now raising concerns vis-à-vis the drafting of a new constitution through a parliamentary-driven, rather than a people-driven process.

Recommendations

Given the extreme fragility of the inclusive government, and its very real potential for collapse, it is critical that the United States target its assistance to efforts that promote an environment receptive and conducive to democratic reform, rather than offering blanket financial assistance.

As the US Government reviews its policy for engagement with Zimbabwe, I would recommend the adoption of five guiding principles:

1. *The inclusive government is an imperfect and interim arrangement.* The inclusive government is merely a first step along the path of democratic transition. Although economic stabilization and immediate relief of the humanitarian crisis is of the utmost importance, the inclusive government will have failed if it does not lead to a new constitution, new elections and a new government. The inclusive government does not and never will be a fair representation of the wishes of the Zimbabwean people. Donors should specifically consider monetary support and technical assistance to facilitate the

constitutional review process and the structuring and depoliticization of the electoral commission. In advance of elections, more broadly, the international community should continue to support the efforts of NGOs and democratic activists who will hold the inclusive government accountable to promises of reform in the Global Political Agreement, and will ultimately be those who will be called upon to guarantee the legitimacy of the next elections. Of equal importance, pro-democratic parties must be given the support they need to develop party structures to ensure their competitiveness in the next elections.

2. Successes should be measured locally: Though reform at the national level is vital, the extent of reform can only be determined by the quality of its extension outside of the capitol. Effective service delivery is the right of all Zimbabweans, and it is those in the rural areas that have suffered most at ZANU-PF's abusive patronage network. Support should be given to developing efficient local governments and helping reform-oriented mayors and councilors develop the skills to ensure that *all* Zimbabweans, not just supporters of one political party, receive what they are due.

3. Zimbabwe's political spectrum must be accepted as fluid: Though the donor community has supported the MDC in opposition to ZANU-PF, the US Government must be willing to engage with moderate elements and parties as they emerge. Though wariness in supporting ZANU-PF is understandable, a distinction must be made between the moderates and the hardliners if the inclusive government has any chance of succeeding. Furthermore, if the political space in the country continues to open, new issue-based parties will and should be encouraged to emerge; donors should work with any and all pro-democratic parties in developing and strengthening party structures.

4. The South African Development Community (SADC) should be a leading force in resolving the Zimbabwe crisis and any future impasse: South Africa and others have long argued that the Zimbabwe crisis is an African matter requiring an African solution. Though the United States and other western donors have a role to play, this inclusive government is evidence of the potential power of regional pressure. SADC should take the lead in ensuring that the substance and spirit of the agreement is carried out by the unity government. SADC countries, and others on the continent, should take a greater role in condemning violations of the agreement, and should pledge the financial assistance that the agreement they helped create requires for its survival.

5. Expectations must be flexible and manageable: The greatest challenge facing the MDC in the inclusive government is the management of expectations. As the party leadership is well aware, both the failings and successes of the inclusive government will be laid at the feet of the MDC, regardless of responsibility. The donor community must be sensitive to this, and recognize that if the reformist element of the unity government cannot deliver on basic promises their credibility will be shattered, or worse; the government could fail. Though the international community should be rigidly monitoring the performance of the inclusive government, it should not rigidly attach itself to certain benchmarks. With a fragile unity government, overly-conditioning aid could scupper progress in other areas. As alluded to previously, one way in which the US Government

should pursue channels of assistance is outside of the inclusive government, through local and international NGOs who are working to foster a pro-democratic culture in which the non-elected inclusive government is held to account and gives way to an elected government.

As the events of recent months and years have shown, there is nothing predictable about Zimbabwe. Zimbabwe watchers have long been a cautiously optimistic group, inspired by a resilient people who persevere in the face of a devastating humanitarian crisis and relentless political oppression. Although the international community is right to remain hesitant in its interactions with the inclusive government, I commend the committee, under your leadership, Mr. Chairman, for encouraging dialogue about avenues for engagement. While recognizing the profound weaknesses of the inclusive government, the US government should be cautious in its methods of offering support, but to withhold all support would be an unconscionable disservice to the people of Zimbabwe. We must target support to lay the foundations for legitimate elections, and to allow Zimbabweans to exercise their long-denied right to be served by a government of their choosing.

Mr. PAYNE. Let me thank each of the witnesses. You gave a tremendous amount of very well-thought-out suggestions. This is probably one of the most difficult, you know, situations before us because it is perplexed on how do you move forward, as we mentioned, without, you know, supporting the Mugabe regime and the hardliners.

So it is very difficult, but I really appreciate each of you with your suggestions, and I hope that someone from the State Department is here. If not, we will certainly send this very, very important testimony to them because I think it would be very helpful as they move forward in attempting to come up with a solution.

I should note for the record that Ambassador Johnny Carson was confirmed last night by the Senate. However, we will have to wait for him to be sworn in. I do not know when that will be, but, at least, we are stepping toward putting the assistant secretary of African affairs in place.

Let me begin by perhaps asking a question. As we know that, prior to the establishment of the new inclusive government, the U.S. Government predicted renewed nonhumanitarian assistance to the Government of Zimbabwe by the government holding free and fair elections, among other conditions.

Now, given that such elections are not expected to be held for at least 2 years, under the terms of the Global Political Agreement, the GPA, what interim conditions or benchmarks should the United States consider before expanding its direct engagement with the new government? I think all of you touched on it a bit, but I just might ask each of you perhaps to respond to that.

Mr. GERSHMAN. Thank you, Mr. Chairman. It is good news about Johnny Carson.

Mr. PAYNE. Yes.

Mr. GERSHMAN. First is the issue of political prisoners, most immediately, and the crisis that we have just been through over the 18 democracy activists whose bail was revoked.

There has to be real progress, first and foremost, on human rights and really starting to establish the rule of law. There also needs to be progress, as I said, in really opening up the media. That can be done now. Laws can be repealed, such as the AIPPA law that I referred to in the testimony, to allow the media to begin to function and allow NGOs to function legally in Zimbabwe. That, too, is critically important.

But probably the most important thing right now has to do with the constitution. The foundation for these elections, if they are going to be successful elections, is going to be laid in the negotiation of the constitution. It is not just the content of the constitution which is critical and really beginning to build into it checks and balances and beginning to really have a strong Parliament and a strong Prime Minister to balance the President and the Executive, but it is also the way it is done. It is the process.

This process has to be an inclusive process. They have to be consulting with the people, and, I think, if they do this the right way, in the development of this constitution, which should then be brought to the people, and they have 18 months to do that; if they do it in the right way, it will be the democratic experience. It will begin the process of healing that has to go forward now, even as we speak.

So I think that is the most critical thing that can be done now. There are many other challenges, there are many other tensions here in a power-sharing agreement. One of the things we know, Mr. Chairman, from the Dayton Accords, which we are seeing right now, is what happens when you have a power-sharing agreement that is negotiated to bring a conflict to an end but which could contain the seeds of future conflicts, if there is not progress made in resolving the fundamental, underlying issues of crisis. That needs to be done now, while we have some international momentum, while, I think, people are paying attention to Zimbabwe, to encourage that process to move forward, and where you have the prospect of conditioning assistance on the development of the political will to address these problems.

Mr. PAYNE. Thank you, Mr. Gershman. Mr. Mabenge?

Mr. MABENGE. Thank you, Mr. Chairman. The main wing of the MDC, I understand they have given an ultimatum of Monday, the Monday that is coming, for all outstanding issues to be resolved.

I believe that if this ultimatum is real, and the principals to the Global Political Agreement are sincere and begin to move toward a resolution of all outstanding issues, that is a clear benchmark of a new political will and commitment to resolve the outstanding issues.

On the other hand, civil society organizations have established a monitoring framework, and they continue to exert pressure. For instance, I have issues that Mr. Gershman spoke to, for example, the constitutional-making process.

The process itself and the content remain fundamental, and I believe if the processes of civil society and the principals to the Global Political Agreement are brought together, as we begin to witness now, we may see a real shift and change in commitment to the Global Political Agreement that may lead to the international com-

munity seeing a bit of change and commitment on the part of all the Zimbabweans committed to this.

Mr. PAYNE. Thank you. Ms. Lee?

Ms. LEE. Thank you, Mr. Chairman. I think benchmarks, frankly, at this point in time, that would actually get us where we want to be are quite illusive, in part because what we see when we look at the past, our history of conditioning assistance, we have not actually gotten the result that we had hoped for.

We are in a situation now, certainly, where the GNU, as Mr. Craner pointed out, is very important, and we have a situation where, of course, we know those who have not upheld the rule of law are the ones that actually have in their power rule of law and security, whereas we see that the forces for change, if you will, are really stuck with a financial situation that is crippling.

What they need is a win. What the Finance Ministry needs is to be able to actually show the Zimbabwean people that change will actually reap tangible things that they need: Food, healthcare, water.

So I think, as we talk about benchmarks, I think it is important that we look at rule of law, but we also need to know who we are dealing with and understand that the upper echelons of ZANU-PF really have shown us that they can wait us out, but the people of Zimbabwe, the average people, cannot.

So it is going to be important that, before the new constitution, before the elections, they actually see that there will be tangible changes and that the Finance Ministry, that the MDC, can be a part of those tangible changes, and we can help them with that.

Mr. PAYNE. Thank you. Mr. Craner?

Mr. CRANER. Mr. Chairman, I would say, I think there are two issues here. One is the issue you raised about engaging with the new government, and I think, essentially, that needs to be on a sliding scale, depending on the progress of the constitution.

I would also say, in terms of engagement, in terms of assistance to Zimbabwe, we need to recognize that the population has high expectations of this unity government, and if reformist elements cannot demonstrate that they can accomplish something, they will lose popular support, so we need to be conscious of that as we move forward.

Mr. PAYNE. Just a quick other question. With the elections in South Africa, it was felt that South Africa could have a stronger influence on the Government of Zimbabwe, but because of the style or Mr. Thabo Mbeki's philosophy, not much was really done to push Mr. Mugabe. Perhaps he might say that there would not be this coalition government if he had pushed too hard, but do you see a new hope in the new ANC government?

Mr. Jacob Zuma has been a little more vocal about changes that should be made in Zimbabwe. I just wondered what your opinion is. Mr. Gershman? We will go right down the line.

Mr. GERSHMAN. I do have some hope there. There have not been any strong moves yet, but I do have some hope.

I notice, where, originally, South Africa was only going to invite President Mugabe to the inauguration of Zuma, because he is the head of state, and they said that they would only invite heads of state, but, just yesterday, the director general of the Foreign Af-

fairs Ministry, Iyanda Nitza Lubah, said that they are now considering inviting Morgan Tsvangirai, as well, the Prime Minister.

I think that would be a very meaningful gesture by South Africa, in the current situation, to invite Tsvangirai to the inauguration. I think we should watch that and encourage it.

Mr. MABENGE. Thank you, Mr. Chairman. I think President Jacob Zuma has been quite outspoken, again, as to abuses in Zimbabwe. It is important to put a note to the fact that he is now the chairman of SADC, and it is South Africa that has committed about USD \$80 million lines of credit toward supporting the resuscitation of industry.

If Zimbabwe continues to look up to SADC and the rest of the world for support, I see the South African Government having leverage against any abuse of power within the Global Political Agreement.

It is important here also to note that the SADC and the African Union are guarantors of this Global Political Agreement, and if the principals fail to resolve these issues by Monday or by the end of next week, they have no option other than to go back to SADC via the South African President, Jacob Zuma, and I see Jacob Zuma not taking the route that former President Tendai Biti took on quiet diplomacy.

Let me just end by saying, South Africa is not interested in anything dramatic happening in Zimbabwe before 2010, so I see South Africa being a bit more vocal in avoiding any dramatic things, at least before 2010.

Mr. PAYNE. And 2010 is World Cup, for those who do not know. Ms. Lee?

Ms. LEE. Mr. Chairman, I agree with a lot of what has been stated, but I would like to also state the obvious. The fact of the matter is that some of the most powerful forces within the ANC that brought President Zuma to where he is are demanding that there be a new way, in terms of the policy between South Africa and Zimbabwe, and they are demanding a more powerful response.

The trade unions, for example, have really demanded a powerful response and were very critical of President Mbeki's role with Zimbabwe. So I think, in and of that, he was, frankly, elected to really handle some of these regional problems, and we have, on good authority, that he will.

Mr. CRANER. Mr. Chairman, one of the things I have learned over the years is that it is one thing if the United States hopes to see change in a region; it is helpful if Europe also wishes to see it, but what really matters is if the country's neighbors wish to see it.

I think the fact that we have a new leader in South Africa who has not only said he wishes to see things move forward in Zimbabwe, but I think it will be important that, as the great regional power there, he is less negative and less of a drag on wishing to see progress in Zimbabwe, and I think you will see others come forth as a result.

Mr. PAYNE. Thank you. Mr. Smith?

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman.

Let me ask the panelists, political prisoners obviously tell the story about how well or poorly any country is doing. As most of us

have said today, the rearrest, or the newest perils being faced by the 18, raises serious questions about that direction.

Jestina Mukoko, as I think everyone knows, is a tremendous human rights activist, director of the Zimbabwe Peace Project. She was arrested while she slept, reportedly, by 12 thugs, armed thugs, who blindfolded her, made her kneel on gravel for some 2 days, and made threats that if she did not cooperate, she would be buried behind the police station.

She was released on March 2nd, was not formally charged before this past Tuesday, and now is being charged with the specious charge of terrorism. Could any of you give any insights as to her dilemma and whether or not the human rights community is raising her case, as well as the other cases, with the kind of robust focus that it requires?

Mr. GERSHMAN. Let me just say, Mr. Smith, that I believe that the judge reversed her decision not just because of the intervention by the Prime Minister; I am told that even the President was forced to intervene with the judge because of the international outcry over this and the realization of the consequences that this would have. It became a major issue.

Obviously, these things have to continue to be watched because it is sort of remarkable that the people being tried are the ones who are the victims. This is a continuing outrage, of course, but, at least, right now, they are on bail, and it is because there has been an international outcry.

Mr. SMITH OF NEW JERSEY. Let me, then, ask a question with regard to human trafficking.

The State Department has placed Zimbabwe as a Tier 2 Watch List, which is right below, or right next to, Tier 3, "egregious violator," and they make the point, in the narrative, that there has been an upsurge in exploitation. We know that when there is a crisis, particularly a war or an unsettled political situation, traffickers really exploit the situation.

The number of victims, according to the State Department, has significantly increased, and when you talk about immigration flows or refugee flows approximating 3-4 million, that situation is rife with peril for women, especially, but for all who could be victims of trafficking.

Is the unity government taking any action that you have gleaned to combat human trafficking? Would any of you like to touch on that? Ms. Lee?

Ms. LEE. Sure. Thank you. I think it is important to note that, from the perspective of many in the unity government, one of the things that will really quell trafficking is economic assistance.

I mean, the truth of the matter is, we know that trafficking is a problem. Trafficking certainly happens all over the planet by force. People are certainly kidnapped, but many times people are coerced, and, in the case of Zimbabwe, what we are seeing is an inability for people to find sustenance, for people to be able to get what they need, and for people, frankly, to take care of their children and young girls. What we see, of course, is people are lured into situations where they are trafficked.

I think it is going to be very important that we look at the trafficking situation in Zimbabwe from a holistic approach and under-

stand that the economy is very much entwined in what is happening. So as we provide economic assistance, as we ensure that the government can actually do its job in providing what its people need, those situations will begin to take care of themselves.

Now, certainly, it is a major issue, and it is not just simply dealing with the economy, but certainly that is something we need to look at.

Mr. PAYNE. Mr. Craner?

Mr. CRANER. I think I referred, in my testimony, to the need to focus our assistance to exactly those kinds of groups, to the antitrafficking groups. Again, people involved in that movement, if they are going to stay in it, need to understand that things are going to get better under this unity government, and if they do not see that, just as most people will give up if they do not see humanitarian assistance, then they, too, will also give up.

Mr. SMITH OF NEW JERSEY. Anyone else? Ms. Lee, I would say, obviously, poverty is a root cause, but a government does have an affirmative obligation that, if it takes it, can mitigate, although maybe not resolve and stop the above. There are rich countries where trafficking is as bad as it is in impoverished countries.

So I take your point, we need to attack that root cause, but we need a mobilization; otherwise, more women and children will be sold into slavery.

Let me ask, real quick, Mr. Gershman, you mentioned the Mass polling; the Public Opinion Institute's very encouraging results with regard to the assessment of the people of Zimbabwe looking forward. Seventy percent of the respondents described the country's economic condition as better than the previous year. How was that poll done?

Because we are running out of time with a vote that is pending, what happens, and I would ask all of our panelists, if the MDC, in the next week or so, or at any time, takes its leave of the unity government? What happens? It seems to me that that is a prescription for a catastrophic situation.

Mr. GERSHMAN. The poll was conducted by the Mass Public Opinion Institute, which works with the Afro Barometer, and it was done scientifically. I asked the question, did they poll in the rural areas, which are the hardest to reach—I think the MDC is stronger in the urban areas—and, indeed, they did poll in the rural areas. I think 65 percent of the people that they polled were in the rural areas.

It seems like it was a very reliable and scientifically done poll. They are now still reviewing the results. It will formally be released shortly. The group is a grantee of ours. We are in touch with them, and we have been free to release these statistics that I have already, but I think it is a very reliable poll, and it shows that there is a change that has taken place.

Obviously, it has to do with the dollarization of the economy and the control of inflation, and people are beginning to get some resources, and their lives are beginning to improve, but that means expectations are beginning to be raised, and those expectations have to be met.

That is another reason why I think that you and Congressman Payne are on the right track in trying to figure out a way to re-engage there.

Ms. WATSON [presiding]. Mr. Boozman, do you have a question?

Mr. SMITH OF NEW JERSEY. If I could, if the others would like to respond.

Ms. WATSON. Just a minute. We have about 8 minutes left on the vote, and the chair plans to run down and come back.

So let me get to Mr. Boozman, and then the rest of you can comment on Mr. Smith's question after he raises his, and I have a question I will leave with you. The chair should be back in time, and then I will come back.

Mr. BOOZMAN. Thank you, Madam Chairlady. Some have suggested that Mugabe now is most concerned with the perception of his legacy and that he would have stepped aside long ago if not for the pressure of the ZANU-PF hardliners and military generals that are concerned about losing patronage, losing their ability to be in power.

What is the likelihood of Mugabe stepping down, at this point, and, if so, if he were to vacate the presidency, who would be his most likely successor?

Mr. CRANER. Let me take a shot at this one. I think it is up for a lot of guesses who would be his successor within the ZANU-PF.

We have come to believe that there was a point at which he actually did wish to cut a deal with MDC, but he was told by his security—he was essentially being guaranteed immunity—he was told by his security forces that they would not go along with this because they were not being guaranteed any kind of immunity, and, in fact, they threatened him with violence.

So this issue of transitional justice, I think, is going to be very, very important and very, very delicate, and that is going to be a judgment for the people of Zimbabwe to make.

Mr. BOOZMAN. Do you all have any? Ms. Lee?

Ms. LEE. Frankly, I would agree with that statement, and I would just add to that that I think it is important to note that, so often, when we have talked about the situation in Zimbabwe, in the United States, we refer to Mr. Mugabe as being really the only purveyor of human rights violations, and, simply, we have found that not to be the case, that, clearly, he is a part of a very, very intense network of people that have a lot on the line when it comes to this unity government and giving up power.

So we just need to be clear that we are dealing with not just one person, not just one tyrant or one dictator; we are dealing with a network of people who feel that they have too much to lose in order to let this unity government succeed.

Mr. BOOZMAN. The farm troubles, the land problems; I think one could argue that that is a major cause of perhaps the collapse of the economy, and then also many of the Black Zimbabwean farmers working on the commercial farms being forced off and being in poverty. How should we deal with the land issue?

This is kind of where the rubber meets the road. Any ideas?

[No response.]

Mr. BOOZMAN. Okay. Thank you. I yield back, Madam Chair.

Ms. WATSON. I would like to follow up on that particular question. I know that Mugabe has claimed to want to take back the land that was originally there and taken over by the English. In doing so, in taking the land back from the 1,000 or so White agribusiness people, it cut off the funds that came in from Great Britain. Therefore, there has been a collapse in the economy, people are losing jobs, and so on.

There is a point at which you can discuss what is fair. Can any of you comment on what you think would be fair, how we resolve the problem of taking of the lands without compensation? Where do we reach that middle point where we can have fairness as a guide to solving this? Would you like to take a swat at that one, Mr. Gershman?

Mr. GERSHMAN. Well, in the most recent International Crisis Group report, they did address this issue, and they called for the establishment of a land commission with a clear mandate and a strong technical basis, and it would be representative of a large cross-section of the stakeholders, and they urged that a comprehensive, transparent, and nonpartisan land inventory be conducted to establish accountability and to eliminate multiple-ownership claims and that there be international funding to help, obviously, support a land-reform program.

So this is going to be one of the major challenges that they are going to have to face, and they are going to have to establish, as with other things like the constitution and the electoral commission, balanced public bodies that are broadly representative and that have some credibility and legitimacy that can begin to establish approaches to these issues that are consensual. It is very difficult, but that is the challenge before them on many issues.

Ms. WATSON. At 85 years old, do you think Mugabe is in the right frame of mind? My observation of his behavior when we were in that area, I guess, the year before last, at the end of the year, I had a group, and we were at Victoria Falls, and I was going to take my group over in Zimbabwe. I got a call from the State Department, and they said, "Do not go. We do not want you to happen into any camera shots that might show support for Mugabe."

I did not go. I sent my group on, but, in watching him on TV, he seemed to be really adamant in the fact that he was going to take that land that was theirs, and so, at 85 and celebrating his birthday, do you think there would be a glimmer of hope, or will it take really an inclusive government to, at least, make strides? Would anybody like to comment on that?

Mr. MABENGE. Thank you very much. I think some and many believe that the Global Political Agreement is the only route to Mugabe's exit. Some would want to call it a "safe exit," and this is why many of us are saying this transitional route must be managed to its logical conclusion, and part of the question I am answering here also is a previous question on what would happen if the GPA collapses?

If it collapses, it is quite clear, no one really knows what would happen, but on the balance of probability, the country would slide into anarchy. This is the very reason why many people believe it is very important for Mr. Mugabe's exit through the Global Polit-

ical Agreement, and the transitional arrangement must be managed.

However, I think it is important also to understand that what may keep him on are the securocrats and, of course, the internal fissures in his own party, most of which we may not have control over.

Mr. PAYNE. Thank you very much. Congresswoman Watson is going to have to make the vote. Fortunately, we were able to keep it rolling. I just have several questions left, and if any of the others return, we can certainly hear from them on a second round, maybe Mr. Smith. It looks like he will be back.

The MDC is responsible primarily, from what I understand, for the economics of the country, more or less, and if any of you may have your view on how the finance minister, Mr. Biti, is going to be able—in other words, it is almost like they are given the portfolio to fail since that is the weakest part.

It is not uncommon, though, that the stronger hand would keep the security force and the military. It is not right, but that is generally what happens in countries when there is a transition. That is generally kept close to the leadership.

So maybe each of you could comment on what you see as the possibility of the country being able to continue to survive and how the financial portfolio of MDC, which, of course, people might point to in an upcoming election, how do you see them being able to kind of skirt through that?

Mr. GERSHMAN. Well, as you know, Finance Minister Biti met with the World Bank and met with others to try to really urge economic assistance at this point, and I think that is the direction you are moving in, if it can be done in the right way.

We were visited, last August, by Nelson Chamisa, who was in the country and came by, and he felt he was for the agreement. In other words, there was a real issue of division within the opposition over whether or not to negotiate this agreement, but he was for it, and he felt that time was on their side, and I think that is the critical thing.

There is a process that is unfolding right now, an 18-month process on the constitution then leading to elections. Some 6 to 8 months after the elections—I think they will be at the beginning of 2011—if people can see, as they are already seeing, visible progress in their lives—it cannot get any worse than the tens of millions of percentage points of inflation that was there before, an economy in total collapse and the diseases that were spreading in the country—it was hard to get worse, and they are seeing hope right now.

If that can continue, and at the same time, through the constitutional process, establish an election commission that is really non-partisan and can really revise the voter rolls and really have a fair and internationally observed election, which is possible, I believe, and if, during that time, you can also deal with these issues of the hardliners and how to retire some of the military people from politics, you have a chance for an election, and I think that could be a breakthrough. I really think that could be a breakthrough. So we have to see this as a 2-year process which is beginning to unfold right now.

Mr. PAYNE. Would anyone else like to comment?

Mr. CRANER. I keep coming back to this idea that if the MDC is part of the government, and things improve, the MDC will get credit. Clearly, people saw the country go into an abyss when ZANU-PF was running it, and I really think that needs to guide our thinking and our concerns on this.

So I would say that while Tendai Biti starts to get the economy back on track, which, I think, is a massive job, we need to be looking at how we can be helping ordinary people in Zimbabwe so they see signs of improvement from a government that includes the MDC.

Mr. PAYNE. Yes, Ms. Lee?

Ms. LEE. Finance Minister Biti, as well as many civil society organizations in Zimbabwe, have been calling for what I refer to in my testimony as the "Multi-Donor Trust Fund," and I think that this is very important and that the finance minister was clear that this is key to his success.

I think one of the most important things we need to look at in this is the purpose of this fund is really to keep the funds out of the hands of those who we know are corrupt. They have gone through pains to ensure that the World Bank, the IMF, each and every multilateral donor entity, is involved and has control over the funds, and also, at the same time, it provides relief. It provides relief, in terms of humanitarian assistance; it provides relief to civil society organizations working on the ground to provide this assistance.

So I think that, in terms of how he seems to view his success, it is really caught up in this Multi-Donor Trust Fund.

Mr. MABENGE. On the ground, the USD \$100 allowance that has been given to civil servants makes a huge difference to married people who could not afford anything, and they attribute this to the efforts of the Ministry of Finance and Economic Development, and, of course, the coming in of the Prime Minister within the inclusive government.

If this \$100 is not improved into a real salary, we run the risk of agitation within the rank and file civil servants. If you go and ask an ordinary soldier if they feel relief, this, then, brings me to the point that the unfortunate part is that if we are going to go there, with the IMF and the World Bank groups, Zimbabwe is in arrears of about \$1.5 billion in unpaid interest to multilateral and bilateral creditors, and there is no possible that these arrears are repayable in the foreseeable future, at least before we have elections, which is why it is very important for the Ministry of Finance to begin to negotiate a reschedule of debt repayments so that they can, at least, continue to have the momentum that they have built go on to the logical conclusion of democratization.

So it is my submission here that it would be very important for the U.S. Government and other institutions to consider moving a bit away from giving new loans toward financing of arrears rather than toward financing of things that will make people see a real difference in their lives.

Mr. PAYNE. The whole question of debt was something that President Johnson Sirleaf from Liberia recently was able to retire 50 percent of her debt through different mechanisms and actually

at the cost of three cents on the dollar, which I do not even think Liberia paid that, but donors some way, and she was able to reduce the US \$4.7 billion to about two-point-something.

So I do think that, in my opinion, once there can be a government of reconciliation and people moving forward, the question of external debt, I think, that donor countries and international institutions will probably attempt to work toward reducing that debt, in many instances, which would almost be impossible to pay anyway.

Just a question on the split of the MDC, and perhaps, Mr. Mabenge, you might be best equipped, and others, though, could chime in. I think that, in 2005, MDC split into two parts, and we tend to find that once an organization splits, it is weakened; if they are united, they are stronger. How do you see this split and whether MDC will work closer together, both factions?

Mr. MABENGE. Thank you very much, Mr. Chairman. In fact, the events of 12 October 2005 were very unfortunate. Some would argue that if we did not have these events, probably we would not be talking about a transitional government. We would be talking about a new government under the leadership of the MDC.

However, I think what has happened over the past is that the two MDC formations have entered into a cooperative agreement, and they call it a "Parliamentary Cooperation Agreement." That may not have played out quite well during the election of the speakership of the House of Assembly, but, in terms of critical matters, we see that the MDC, the former opposition, voting quite together.

It is, again, unfortunate also, however, that the kind of Parliament that we are going to have within the transitional period is not going to be a very robust Parliament, as it is going to be subjected to provisions of the Global Political Agreement.

Our hope and wish, however, is that, as we move toward the next election, the weaker part of the MDC would realize the importance of rallying their support toward the main MDC formation. This will, of course, depend on how they view their partner, or how they view the other MDC, which we do not have control over, but this is the hope of all Zimbabweans, that the opposition, or the former opposition and the smaller parties, will come together to deliver the final blow to what we have witnessed over the years. Thank you.

Mr. PAYNE. Thank you. In regard to the feeling on the part of some that hardliners, we do not know because we are not close to the Mugabe regime, but there are rumors that have some of the hardliners who insist that Mr. Mugabe remain in office because they are afraid that there may be prosecution if there is a real turnover in the government, and there is always the argument about people being held accountable for, you know, past atrocities, the atrocities in the eighties when many people were killed, what has happened that led up to even the current situation.

It is always a pretty tough call, what do you do? We saw where the LRA was even in the process of getting, you know, if they had gotten along with the ICC, that all charges would be dropped on Kony, which was something that I could never see, but that kind

of agreement had come up with the Government of Uganda, although Kony has decided not to break off the negotiations.

Like I said, that was something that I had a hard time—of course, I do not live in Northern Uganda either, but I had a hard time coming to grips with how are you going to just simply allow Kony, even if his persons would be allowed to reintegrate, you know, but he, himself.

So I say all that to say that, in South Africa, you had the truth and reconciliation, which was extremely successful. Of course, I think South Africa is pretty unique, you know. There are not too many countries that have a Nelson Mandela, you know, or a Bishop Desmond Tutu. You could not have a better one-two team.

So South Africa is unique, and I do not know if you could just take the South African model and say it could work anywhere.

How do you see this playing out with perhaps a discussion of what happens if we have true democracy, and charges are brought up against the some of the military people and police people? Should an agreement be made to maybe let Mr. Mugabe go to Southeast Asia or something?

Does anybody have any idea, because I am sure that this is a discussion that is going on with ZANU-PF people? It is only exploration. We do not know that is for sure, but what are your sentiments on this whole thing, because it is going to be key once we try to come up with a final solution?

Mr. CRANER. Mr. Chairman, having seen different examples of this, I do not think that we are capable of prescribing a solution for a country, any country.

I think what is important is that there have been enough examples of this, in Latin America, the example you referred to; in South Africa. We have got Central European countries going through this issue of illustration.

There are enough examples to be able to bring people from those countries to be able to show all of the sides in Zimbabwe examples of how to deal with this, but, clearly, it is going to have to be dealt with as part of a settlement because I do not think there would be a settlement without this being addressed.

Mr. GERSHMAN. Mr. Chairman, as you go forward with a process like that, I think they will have to work out where they draw the lines. I do not think there is going to be impunity for people who really were engaged in terrible crimes against humanity. That is hard to believe, and I do not think there should be in those kinds of situations, but, you know, the South African Commission was called the "Truth and Reconciliation Commission," not a "Punishment and Reconciliation Commission," not a "Justice and Reconciliation Commission."

Now, this is the fundamental tension. In a way, there is a certain tension between the democracy community and the human rights community on an issue of this kind—it is not just within the country—because people want to see a transition succeed, but, at the same time, you have human rights accountability, as we have all been talking about. What is going to have to influence U.S. policy in the period ahead and everybody's behavior are the trade-offs in a situation like this.

A power-sharing agreement inherently involves trade-offs of all kinds, and the bottom line, though, is, can it move forward to begin to offer a new day for the people of Zimbabwe? I think if it shows that prospect, I think the people who really want to see everyone pay the price for crimes that were committed, will see that maybe it is better to put that person off to pasture somewhere, get them out of the way, so that the process can continue.

It is very, very dangerous when you have people who feel that they are going to suffer from all of this. They are going to, no holds barred, do whatever they can to bring the whole process down.

So it is very, very important to work to move this thing forward. Obviously, this is a decision they have to make themselves, but it is an area where I think there can be international support and co-operation.

Mr. MABENGE. Mr. Chairman, our communities have been severely traumatized, particularly between March and probably September, with the signing of the Global Political Agreement, and what these people are looking for is a formal process that heals them.

They have lost confidence in political processes, particularly elections, and I think what is beginning to happen, what we have had that is beginning to happen, is the process might have taken too long such that communities are beginning to deal with it themselves. We have had recorded case of those that were beaten up and had their properties taken during this period beginning to hit back and demanding their properties back.

So to say that the nation will wait any longer for justice to be seen to be done, I think, would be almost disastrous. So my submission here is, it will remain very critical to have a carefully thought-out, transitional-justice process that is going to deal with these issues.

I am not so sure how far back it will go, but these issues have to be dealt with in order to instill confidence in communities, particularly on political processes and elections, if we all understand that the logical conclusion of this Global Political Agreement is a free and fair election where no one will be subjected to torture or beaten up or to submit.

So I think, within this framework, this is an urgent matter that needs to be dealt with, and it has to be dealt with quite carefully. Thank you.

Ms. LEE. And a part of this, of course, has to be the rehabilitation of the security forces of the police, something that we have seen done in countries in Africa sometimes not so well, but to ensure that we, obviously, cannot throw these people away. They are a part of the society, and they also have been victimized themselves through, frankly, some choices that they have made, but also the situation, the conditions, that they find themselves in.

So it will be very important that SADC, but also the U.S. Government, really supports rule-of-law programs and rehabilitation programs at that juncture.

Mr. PAYNE. And then we can see if Representative Woolsey would like to ask any questions.

Something that has not come up, but, as we all know, land, as I did mention briefly in my opening remarks, has been an issue,

and, as you may recall, Mr. Mugabe raised the land issue when he found that he was losing popularity and needed a good issue to try to use as a political issue.

As you know, the Lancaster House Agreement said that there would be stipends by Great Britain, primarily, but the United States, partly said that we would help also, in, as we know, was supposed to be a willing seller/willing buyer.

Of course, the land was then supposed to go to the war veterans. Some stipend was given to the government. The Mugabe government allegedly used the money to purchase some land, but the land did not go to veterans, allegedly; it went to several of his membership in the family, allegedly; to some political supporters, and it was not the intent for the Lancaster House Agreement that the land would go to political supporters and cronies and family, thereby giving the excuse for Great Britain to say, "You did not do it right. Therefore, we are cutting it off."

I think they let him perhaps give him rope, so he hung himself on the land issue so they could justify not going through with it, which, I am sure, they did not want to go through in the first place.

Where do we stand now on that issue, and if anyone has any suggestions, and what is the current status of the land that was taken in the last 5 or 6 years? We will ask anyone on the panel, and that will be my last question. We will then turn to the other persons who have not asked any questions.

Mr. GERSHMAN. Actually, Mr. Chairman, while you were voting, the issue did come up, and I just pointed out that the International Crisis Group and others have called for the establishment of a land commission which can do an inventory of all of the issues and the competing claims. As you know, this is a critical issue in many countries in Africa, Kenya among them, and they need a fair process here, as in other areas, to try to resolve these competing claims.

Mr. CRANER. I will just say two things.

Number one, as Carl noted, this is an issue that has come up in other countries, but it is not that unlike the property issues that come up in many other countries, and some of them, I am very familiar with. Nicaragua is still dealing with this 20 years after they began looking at the problem.

So, again, I think the examples of other countries can be useful to Zimbabwe.

I would also say that we need to understand that, as well as justice on this issue, there needs to be a consideration of how the land is used and how it is contributing to the economy of Zimbabwe, and that needs to be thought through in deciding the allocation of this land.

Mr. PAYNE. Thank you very much. We will now hear from Representative Woolsey from California.

Ms. WOOLSEY. Thank you, Mr. Chairman. I am sorry I missed the witnesses. I am going to ask a question that I hope is not repetitive. I just do not know, but it reflects something I am very concerned about.

With President Mugabe's fear of a free press, which is legendary, and it, actually, I believe, can only be compared to the worst regimes in our world's history, he believes he can control the story and that, if he can do that, he can cling to power indefinitely.

What I want to know, there is a story, and it is the story of maternal and infant mortality that is very difficult to cover up, I would think, domestically, in Zimbabwe. What are the real statistics, if you know, and are they worsening, in light of having crimes against humanity, certainly, the youngest, the vulnerable mothers are going to be the first to be affected?

But is there a difference in reporting domestically and through the foreign press what are the statistics, and is this something that can stand up and be used as an example of how much is going wrong, or if there are improvements, because I did not hear your testimony?

Ms. LEE. Ms. Woolsey, I apologize because I do not have the statistics with me, so I will just have to speak kind of anecdotally about it.

It is worsening, and it has been on the decline for some time, and, at TransAfrica, many of our civil society partners, many of the women's groups do report that it is the youngest mothers that are experiencing just massive problems not only during pregnancy but then after childbirth, and then, of course, we have got an infant mortality rate that is also skyrocketing that, you are right, is not being reported appropriately.

Certainly, anecdotally, one of the problems we see is hospital beds and the ability for people to get to hospitals, and, when they arrive at hospitals, their ability to pay; the ability for staff to deal with just the overwhelming—certainly, we have torture victims going to hospitals, we have people dying of cholera going to hospitals, and we then have these mothers also sometimes walking a very long distance to get to the hospital.

So, certainly, with the increase in the poverty, with the increase in the lack of healthcare, water, and just sustainable infrastructure, we are certainly seeing the most vulnerable, as you said, in our population being affected.

Mr. GERSHMAN. Ms. Woolsey, I would like to send to your office an article that the NED published in its Journal of Democracy, about 8 years ago, about this issue of infant mortality.

One of the interesting things, and there is actually some research on this, is that governments in the developing world, which, even if they are poor, that have been able to establish a rule of law and democracy have lower infant mortality rates, and the infant mortality rate has actually been lowered through a transition, than governments which are dictatorial.

The reason should be obvious. It is one of the arguments we make about the instrumental purposes of democracy, which is that a government that is accountable to the people is more likely to want to address the needs of the people and to address healthcare needs.

So there is some research on this. It is actually rather interesting. Regarding the statistics, obviously, in a country like Zimbabwe, where the state has such total domination over the media, you are not going to get accurate statistics on an issue like this, and that is one of the issues we raised in the testimony, that you have to free up the press.

Ms. WOOLSEY. Well, then maybe, Mr. Chairman, we could put that article into the record, once we get it. I would like to receive it.

Mr. GERSHMAN. I will get it to you today.

Mr. PAYNE. Without objection.

Ms. WOOLSEY. Thank you. If we expanded our funding for infant mortality through international assistance, and if it got to Zimbabwe, would it get to the mothers and the children? Would it get to the right places?

Mr. GERSHMAN. Well, again, all of that depends on the issues we have been discussing this morning—if they can get a system of a rule of law where a government is beginning to address the real needs of the people and not just to hang onto power.

You have had an economy of plunder. You have had a state based on violence until now. We are talking about a fundamental change in the system and how we, as Americans and working with others, can be helpful in that process. That is, ultimately, the only way to get at the problems you are talking about.

Ms. WOOLSEY. Thank you, Mr. Chairman. Thank you, Witnesses.

Mr. PAYNE. Thank you. As a matter of fact, I think Mr. Biti said, when he came, that one significant change was that you could wear an MDC sweatshirt in the community and not worry about being pounced on by the police. I mean, that is a small step for mankind, but maybe it is a bigger step than we think.

As a matter of fact, I even talked to some people around the world in different places where they said that they never wore anything identified with the U.S. in the past 7 or 8 years, but now that they wear an Obama T-shirt, you know, they do not have to worry about being criticized. So maybe these small things indicate, maybe that is a poll that we can use as being substantial.

Ms. Jackson Lee?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Let me just preface my questions with an overall statement about the continent of Africa and the ripe opportunity that I think we have, as a subcommittee and a full committee, on the reengagement with Africa.

Certainly, I do not discount the Millennium Account that was highlighted in the last administration. Ms. Lee, as you well know, your organization worked extensively on those issues.

Certainly, I do not discount the continuing work that we have done on HIV/AIDS, but I think now we can unshackle ourselves, break the chains, and see the continent through different eyes, eyes that do not only focus on the devastation, the conflict, but what is the growth in the future, and for those of us who read history books, we will not account for our age to say, remembering the Zimbabwe of yesteryear, but we know that it was rich in productivity, we know that it had an excellent opportunity for agricultural growth and investment, and we know the extent of the people.

I would make a statement that, as we proceed, I want to see more and more of the African ambassadors on the Hill engaging with Members of Congress, telling us who they are, their country, and helping us frame forward-thinking initiatives. I do not want the witnesses to think I am not going into what we are discussing today, and I do not, in any way, think that assessing the conditions

is, in any way, looking backward. It is, in fact, to try and move us forward.

But I have noticed the absence of presence. I do not know if the Ambassador to the United States from Zimbabwe is in the room today or maybe persons from the Embassy, but I can say to you that it is time to get up and get going because we have, as I said, close to 1 billion people—consumers, individuals who need to use technology; individuals who, I believe, overall, love democracy; who want to be unconflicted; who want to be no longer the displaced persons within a state; no longer want to be considered Darfurians who are in camps or Chad camps or the conflicts in Eritrea and Ethiopia.

Forgive me for this, but I say this because you all are experts.

So I want to extend my hand, as the chairman has done consistently. The chairman showed himself well by confronting the issues in Somalia in a way that they should be confronted. How can we do better?

So I am energized to want to do better, and I would like to see some proactive thinking around the collective body of States. So if anybody is listening to this comment, I hope, if they hear anything, the ambassadors from the continent of Africa need to show up and be seen, not a criticism but only an offer for the work that this committee can do under the leadership of Chairman Payne.

Let me ask you, Ms. Lee, because you have been engaged in this, about this question of the restoration of peace and security. Is it real? Are we still seeing political oppression? And help me understand better the role that President Mugabe is playing juxtaposed against the new government. If there are others that want to comment on that, I welcome you.

Ms. LEE. Thank you, Congresswoman, for the opportunity. Certainly, we have seen changes, and Mr. Chairman did speak of some of the changes that we have seen.

We do still see political repression on the ground. We have spoken about what happened only yesterday, when 17 people were rearrested, one of whom is an HIV-positive, single mother who is just an amazing activist who was arrested and tortured only months ago, and then she was rearrested on the same charges.

Now, one of the changes that we are seeing, frankly, is, even though these 17 people were rearrested, because of pressure from civil society groups, because of pressure from the Prime Minister, we did see those arrests rescinded. That is a change, but we still are seeing the security forces that are still under the control of ZANU-PF, frankly, taking advantage of their majority position.

Ms. JACKSON LEE. Did Mugabe then enter into the agreement in good faith, or are we seeing an agreement of convenience, and then what should be our position?

Ms. LEE. It has been TransAfrica's position for some time that President Mugabe certainly is a factor. He is a player. He is a part of the problems, but he is not the only part of the problem that we need to consider.

Months before this actually broke in the U.S. media, we had been talking to civil society groups that explained, Mugabe really is not in control, the way people describe him being in control. You do

have this gang of "15," however, who are the security forces, the police force, who are in control of the country.

So when we think about what is going on in Zimbabwe, it is not just around this one person, although, certainly, he is a focal point and someone that does need to be considered, but he is not the only person.

So did he enter it in good faith? I think that we can disagree on whether he did or he did not. Certainly, ZANU-PF knew that they were going into a position where they were not going to lose control of the security forces. They were handing over an economy to the MDC that was in tatters, and, basically, they know, as I stated earlier, that they can really ride this out for a bit, which is why it is so important that we engage, why it is so important that the U.S. Government really engages, in attempts to rebuild the economy so that those that are very interested in democracy, that really want transparency, can actually prevail on this.

It could very well happen that this situation continues, the country continues to decline, and yet people at the highest echelons of ZANU-PF continue to, frankly, prosper.

Ms. JACKSON LEE. I do not want to see that happen, and some people say that Mugabe is the wedge in the door from the right, right wing taking over.

Let me conclude my questions by saying this: I agree with the idea of a special envoy. I think it is crucial. I think they have been effective in the past, and, certainly, I would like to engage on that issue, but I would like to conclude my questions with a question that I would like all of you to answer, and, Ms. Lee, you can answer last, which is, what is the one fix that you would offer that we would need with respect to Zimbabwe? And I will start with Mr. Gershman, and it may be women and children, health, but one fix.

Mr. GERSHMAN. Well, I think the critical issue that I pointed to, after the release of prisoners, is the constitutional process that is underway now. That has to be an inclusive process, not just done by the political elites, but it has to really involve the people and civil society organizations.

If I may, just in 1 minute, Madam Congresswoman, just to come back to your point about the African ambassadors and telling the story of Africa, as the chairman knows, I recently returned from a conference of African human rights defenders from 45 African countries in Kampala, heroic people, and one of the things I said to that conference is a story that is not told in this country.

When the NED came into existence 25 years ago, there were almost no African democracies. There were three very small countries totaling 3 million people: Botswana, Mauritius, and Gambia. Gambia is no longer quite a democracy.

Since the second liberation of Africa began in 1990, the number of African countries that are considered either liberal or electoral democracies, where they have basically free and fair elections, even if they have some other problems, is now just about half of the 48 sub-Saharan African countries.

This is a remarkable story, and the basic reason for this is because of some fundamental change that has taken place in Africa in the past 20 years, and that is an explosion of civil society organizations, from women's organizations, human rights organizations,

civil rights groups, trade unions, and others, working from the bottom up to try to pressure for democratic change.

It is a story that needs to be told, it is not sufficiently understood, when everybody is just focusing on Somalia, Darfur, Ethiopia, as they should. I am not saying that they should not, but the success stories like—obviously, we know South Africa, but Ghana, Sierra Leone, Liberia, and so forth; these stories have to be told as well, and I commend you for your calling attention to this.

Ms. JACKSON LEE. Well, I thank you for expanding, and, boy, do I see an opportunity for the United States and its civil society, and I welcome that and look forward to working with you. It is a wonderful story that should be told.

Doctor? I am calling you "Doctor." I am sorry. Mr. Mabenge?

Mr. MABENGE. Thank you very much. We realize that democratization works best through supply-and-demand factors. They are things, certainly, that Zimbabweans would have to do that have nothing, absolutely nothing, to do with the international community, and these are commitments to a truly reflective, constitutional-making process, a process that is truly inclusive, and this process, indeed, as Mr. Gershman said, needs to be supported.

However, I will still maintain that there is a need to ensure that we continue to direct financial resources toward progressive elements of the inclusive government to ensure that we have a soft landing of this transitional government into a real democracy. Thank you.

Ms. JACKSON LEE. Thank you. Mr. Craner?

Mr. CRANER. I would say we need to pay attention to two things, and one is the constitution because that is going to be the basis for things really changing.

I think the other element we need to pay attention to feeds into your comments before, and that is regional pressure. Zimbabwe is not a good ad for Southern Africa. Other countries, like Botswana, Namibia, Mozambique, and South Africa are, and, to the extent with the new South African President, especially as a leader, pressure can continue to be brought on Zimbabwe because I think that is part of what is moving Mr. Mugabe.

If I can just comment also, one of the things I always tell ambassadors when I meet them is, "Please go to the Hill. Do not rely on your State Department desk officer to tell the story of your country."

I think it is very important what Carl was just talking about, to highlight the successes that are in Africa. I am on the board of MCC, as Mr. Payne noted, and I think it has become a great incentive not only for the country that is being given the money but for its neighbors.

I had the opportunity to talk to the President of Zambia during a signing ceremony for MCC, and I asked him, "Why are you taking this money that you have to meet these standards for when you could get free money from China?" and he said, "Because this is better money for my country." He said, "My country needs to make these changes. It needs to worry about girls going to school and what percentage of our children are being immunized and how long it takes to start a business." And he said, "This helped me get

things changed in my country, so that is why it is better than Chinese money."

So, to the extent we can help move things along in these countries through programs such as MCC, that will give us even more successes to talk about.

Ms. JACKSON LEE. What a wonderful story. I am ready to leap across the ocean right now. I am just moved by that.

Ms. Lee is going to conclude. Thank you, Mr. Chairman, for your indulgence.

Ms. LEE. The one fix: The economy, the economy, the economy. We stand before a people who have fought for democracy time and time and time again, and we hear stories all the time of people facing the most insurmountable odds, yet they still stand in front of soldiers, in front of tanks, yet these people, for their work, right now, they are becoming more hungry and more sick and more unable to really focus on the business of civil society, to focus on the business of human rights.

So to the extent that we can, through the mechanisms that are before us that can really make a difference and keep the money out of the hands of those who are corrupt, we really need to put all of our efforts that we.

I believe, truly, that with a people that have such a tradition of democracy, the constitution will be a better constitution if people can focus on democracy instead of thinking about what are they going to eat, how are they going to get medicine, how are they going to have their babies in a safe, loving environment?

Ms. JACKSON LEE. Is that getting farming back again?

Ms. LEE. Excuse me?

Ms. JACKSON LEE. Is that getting agriculture back again?

Ms. LEE. It is certainly getting the agriculture back again, but the emergency relief that the finance minister, Tendai Biti, has requested is that we contribute to this Multi-Donor Trust, and that is something that TransAfrica is very committed to, and that would go through the IMF, the World Bank, the African Development Bank, and ensure that the money goes to where it is most needed and stays out of the hands of corrupt elements in the government.

Ms. JACKSON LEE. I thank the chairman. I yield back. Thank you.

Mr. PAYNE. Thank you very much. Mr. Smith?

Mr. SMITH OF NEW JERSEY. Before we voted, and perhaps you all answered this, but I still would like to pose it again, and if you have answered it, I will look at the record, but what happens if the MDC bolts the unity government?

Certainly, there has to be an encouragement, notwithstanding the pitfalls and the crises faced by that party, to stay in and make it work.

Secondly, since August 2008, as we all know, approximately 100,000 people contracted cholera, resulting in over 4,300 deaths. The World Health Organization suggests that the cholera epidemic has dissipated. My question is, has it, and what are the fears of a return?

Mr. MABENGE. Thank you very much. The Global Political Agreement states quite clearly that, in the event that this thing does not

work, one of the political parties can—let me use the words, “pull out,” and trigger an election.

If the MDC pulls out of this agreement now, it is my considered opinion that the consequences would be disastrous.

If we go the election route, again, as I indicated earlier, communities are not yet ready for political processes that subject them to conditions as they were subjected to between March and September 2008.

So, still, it remains quite crucial for the MDC to give this Global Political Agreement a minimum threshold of time to allow movement toward a situation where if an election is triggered, the communities will be able to participate freely and deliver democratization.

So it remains, I still do not know what exactly would happen, but if the MDC does pull out, I am saying we have the likelihood of a possible military takeover, whether it is a soft takeover or an outright takeover, as we witnessed between March and September. So it is in the best interests of Zimbabweans to, at least, give time to this process and deal with critical matters outlined in the Global Political Agreement, which are our own benchmarks, as Zimbabweans, in the movement toward full democratization. Thank you.

Mr. SMITH OF NEW JERSEY. Cholera?

Mr. GERSHMAN. Obviously, no one wants to see this agreement fall apart. We have got to now focus on how to move forward, and to go back would be a disaster.

Mr. SMITH OF NEW JERSEY. Can you comment on what we could do to mitigate the possibility of a reemergence? On cholera, any thoughts on whether or not it really has dissipated and whether or not it might come back unless mitigating efforts are made?

Ms. LEE. On cholera, we have heard the same, that it has been dissipating, but it is important to note that the infrastructure issues that led to the cholera epidemic are still very much there, and other diseases that have not been seen in Zimbabwe all that often are being seen much more often, other waterborne illnesses. So it is still certainly an issue, but, for right now, yes, we have heard the same.

Mr. CRANER. If I can just go back to the question, What if the MDC bolts? I would say two things.

Number one, it is important for us to continue to work very intensively with the neighbors of Zimbabwe, both to see if they can help ensure the success of the agreement but also so that they are in place and ready to do what would need to be done if the MDC had to bolt.

It is important that the MDC not feel that they have to put up with anything or accept lowest-common-denominator agreements simply to stay in.

I would also say that, as far as a reaction from the people of Zimbabwe goes, I think that is yet another argument for them to see benefit through channels that do not accrue credit to the government from the fact that the MDC is now partly in control of the country. In other words, if, with the MDC in partial control, they see greater benefits, and if the MDC has to pull out, they see lesser benefits, the conclusion for the people is obvious.

Mr. PAYNE. Well, let me thank you all. Before we conclude, it is encouraging that some of the surrounding governments—South Africa and Botswana—have forwarded loans to the government to help it along. As a matter of fact, several years ago, Botswana was very concerned because they have beef markets in Europe and because Zimbabwe's lack of animal safety that animals can go across borders, and they were concerned that their livestock could be impacted negatively by Zimbabwe's lack of health concerns.

So I think that the countries in the region certainly are concerned.

I would like to mention that I plan to introduce legislation and will certainly include many of the excellent recommendations and analyses that each of you have provided here today. The purpose of the bill is to support democratic reform, economic recovery, and political stability, but, most importantly, to provide support for civil society and targeted support to help bring about real change.

So we are going to, hopefully, be able to thread through the difficulty. As I mentioned before, this is a very complex and a very difficult situation, as we all know, but your testimony and your answers to the questions have been extremely helpful, and we certainly appreciate it, and I will conclude the hearing.

Thank you, Ranking Member and the other members who finally did get here, and I ask for unanimous consent for members to have 5 days to revise and extend their remarks. Without objection, so ordered. The meeting is adjourned. Thank you.

[Whereupon, at 12:29 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH
Donald M. Payne (D-NJ), Chairman

May 6, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend the following OPEN hearing of the Subcommittee on Africa and Global Health, to be held in **2172 of the Rayburn House Office Building**.

DATE: Thursday, May 7, 2009

TIME: 10:00 a.m.

SUBJECT: Zimbabwe: Opportunities for a New Way Forward

WITNESSES: Mr. Carl Gershman
President
National Endowment for Democracy

Mr. Joy Mabenge
Democracy and Governance Officer
Institute for a Democratic Alternative for Zimbabwe

Nicole Lee, Esq.
Executive Director
TransAfrica Forum

The Honorable Lorne W. Craner
President
International Republican Institute
(Former Assistant Secretary for Democracy, Human Rights and Labor)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee as noted above.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa and Global Health MEETING

Day Thursday Date 05/07/2009 Room 2172

Starting Time 10:40 Ending Time 12:29

Recesses ☐ (____ to ____)

Presiding Member(s) Payne, Watson

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☐

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

Zimbabwe: Opportunities for a New Way Forward

SUBCOMMITTEE MEMBERS PRESENT:

Payne, Watson, Smith (NJ), Lee, Woolsey, Jackson Lee, Roizman

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

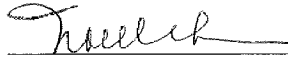
RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Ycas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 12:29


 Subcommittee Staff Director